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CRL MP(MD) No.10350 of 2025
in Crl.A.(MD)No.451 of 2025



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 07.10.2025

Delivered on : 17.10.2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) No.10350 of 2025
in
CRL A(MD) No.451 of 2025

Murugan @ Naripaarai Murugan

: Petitioner/A1

Vs

State of Tamil Nadu rep by
The Inspector of Police,
Palavoor Police Station,
Tirunelveli District.
Crime No.143 of 2012.

: Respondent

Prayer in CRL MP(MD).10350 of 2025 : This Criminal Miscellaneous Petition filed under Section 430(1) B.N.S.S., praying to suspend the sentence of imprisonment imposed by the learned Assistant Sessions Judge, Valliyoor, Tirunelveli District, in S.C.No.838 of 2023, dated 17.03.2025, pending disposal of the above said criminal appeal.

Prayer in CRL A(MD).451 of 2025 : This Criminal Appeal filed under Section 415 of B.N.S.S., praying to call for the records and set aside the judgment, dated 17.03.2025 in S.C.No.838 of 2023 on the file of the learned Assistant Sessions Judge, Valliyoor, Tirunelveli District.



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For Petitioner : Mr.V.Kathirvelu, Senior Counsel,
for Mr.K.Prabhu.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed on the petitioner/accused by the learned Assistant Sessions Judge, Valliyoor, Tirunelveli, in S.C.No.838 of 2023, dated 17.03.2025, till the disposal of the appeal.

2.The case of the prosecution is that on 05.08.2012 at about 20.30 hours, when P.W.1 came to his house after feeding the cows, the accused persons including the petitioner assembled there and abused the P.W.1 with dire consequences on the pretext that P.W.1 acted as informer to the respondent Police and attacked him with sickle and caused grievous injuries. On the basis of the complaint lodged by the defacto complainant, FIR came to be registered in Crime No.143 of 2012 for the offences under Sections 341, 294(b), 324, 307, 506(ii) IPC against four persons including the petitioner.



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3. The respondent police, after completing the investigation, has filed a final report against two persons including the petitioner. After committal, the case was taken on file in S.C.No.838 of 2023 on the file of the Principal Sessions Court, Tirunelveli and subsequently, the same was made over to the Assistant Sessions Judge, Valliyoor. It is evident that the case as against the second accused Manikandan was ordered to be split up and the trial was proceeded as against the petitioner/first accused.

4. During trial, the prosecution examined 8 witnesses as P.W.1 to P.W.8 and exhibited 6 documents as Ex.P.1 to Ex.P.6. The defence examined one witness as D.W.1 and exhibited 5 documents as Ex.D.1 to Ex.D.5.

5. The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, passed the impugned judgment, dated 17.03.2025 convicting the petitioner/A1 for the offence under Section 307 IPC and sentenced him to undergo 10 years simple imprisonment and to pay a fine of Rs.50/- in default to undergo three months simple imprisonment and also convicted him for the offence under Section 506(2) IPC and sentenced him to undergo two years simple imprisonment.



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Aggrieved by the impugned judgment of conviction and sentence, the first accused has preferred the present Criminal Appeal along with the above miscellaneous petition for suspension of sentence.

6.The learned Senior Counsel appearing for the petitioner would submit that the complainant in his complaint before the police had mentioned two named accused and two unknown persons involved in the occurrence, but while he was being examined by the Doctor, he had stated that three persons attacked him and that the above would go to show that the defacto complainant himself was not definite as to who were involved in the alleged occurrence and how many persons caused injuries to him and that therefore, the prosecution has not come forward with a definite case.

7.The learned Senior Counsel appearing for the petitioner would further submit that the prosecution has not recovered the weapon allegedly used in the occurrence and that since the non recovery is fatal to the prosecution, the learned trial Judge has failed to consider the same. He would further submit that the First Information Report came to be received by the jurisdictional Magistrate with delay of 30.00 hours; that the prosecution has not offered any reason or



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explanation for the said inordinate delay and that the nature of injury as alleged to have been caused by the appellant to the victim is also not fully explained by the prosecution by producing X-ray and other medical documents.

8. He would further submit that the motive put forth by the prosecution is very flimsy; that there are material contradictions in the evidence of the prosecution witnesses; that the complainant himself had admitted that he had affixed his thumb impression in the complaint twice; that the evidence of P.W.6 Head Constable would go to show that the complaint is a fabricated one and according to him when he went to the hospital for getting complaint from the victim, he was admitted in ICU and despite the presence of so many Doctors, the statement was not taken in the presence of said Doctors and that the same would create a serious doubt in the way in which, the complaint was taken and that the learned trial Judge, without considering the above material aspects, has come to an erroneous decision that the petitioner is guilty for the offence charged against him.

9. The respondent has filed the counter affidavit raising serious objections. The learned Government Advocate (Criminal Side) would submit that there is no



delay in lodging the complaint and in sending the FIR to the concerned Court and even assuming that there was some delay, in the absence of any prejudice, the same cannot be taken as fatal to the prosecution; that P.W.1 has deposed about the occurrence in tune with her complaint contentions, which came to be corroborated by the other witnesses P.W.2, P.W.3 and P.W.5; that the evidence of the victim came to be corroborated by the Medical evidence from P.W.7; that there are no material contradictions in the evidence of the prosecution witnesses and the contradictions canvassed by the petitioner are of trivial in nature and that the learned Sessions Judge, considering the evidence available on record has rightly convicted the petitioner.

10. The learned Government Advocate (Criminal Side) would further submit that the petitioner is having ten previous cases, which includes the murder cases.

11. As rightly contended by the learned Government Advocate (Criminal Side) even assuming that there is some delay in despatching the FIR to the jurisdictional Court, that by itself is not a ground to doubt the prosecution case.



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12. No doubt, as pointed out by the learned Senior Counsel for the petitioner, the complainant has lodged the complaint against two named and unnamed persons, but he had stated before the Medical Officer that he was attacked by three persons. As rightly pointed out by the learned Government Advocate (Criminal Side), according to the prosecution, after investigation, charge sheet was laid against two persons including the petitioner herein.

13. As rightly contended by the learned Government Advocate (Criminal Side), the other points/aspects now canvassed by the petitioner side are matter for consideration in the main appeal and by no stretch of imagination can be taken as ground for granting suspension of sentence.

14. No doubt, the petitioner is in judicial custody from 31.10.2023, but the learned Sessions Judge passed the impugned judgment on 17.03.2025, imposing ten years simple imprisonment for the offence under Section 307 IPC and to pay a fine of Rs.50/- in default to undergo three months simple imprisonment and for the offence under Section 506(2) IPC, sentenced him to undergo two years simple imprisonment.



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15. Considering the above facts, circumstances and the gravity of the charges allegedly levelled and proved against the petitioner and taking note of the period of imprisonment and the period of incarceration, this Court is not inclined to suspend the sentence at this point of time.

16. In the result, the Criminal Miscellaneous Petition is dismissed.

17.10.2025

NCC : Yes/No
Index : Yes/ No
Internet : Yes/No
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To

- 1.The Assistant Sessions Judge, Valliyoor,
Tirunelveli District.
- 2.The Inspector of Police,
Palavoor Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J

das

Pre-delivery order made in
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