



CRL.MP(MD)No.10094 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 18.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MS.JUSTICE R.POORNIMA

CRL.MP(MD)No.10094 of 2024
in
CRL.A(MD)No.631 of 2024

Vijay

... Petitioner

vs.

The Inspector of Police,
Samayapuram Police Station,
Tiruchirappalli District.
(Crime No.112 of 2019)

... Respondent

Petition filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed by the learned II Additional District and Sessions Judge, Tiruchirappalli, in S.C.No.51 of 2020 dated 09.08.2023 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.Seenee Mohammed
For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



CRL.MP(MD)No.10094 of 2024

ORDER

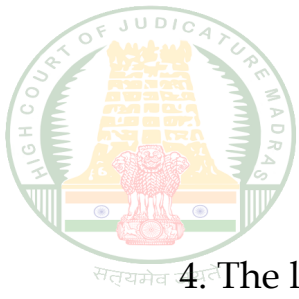
WEB COPY [Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

Seeking to suspend the sentence imposed on the petitioner by the learned II Additional District and Sessions Judge, Tiruchirappalli, in S.C.No.51 of 2020 dated 09.08.2023, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
302 IPC	To undergo life imprisonment	Rs.2,000/-

3. The case of the prosecution is that the petitioner/accused and the deceased were daily wage labourers in the same locality and on 24.06.2019, the deceased allegedly went to the house of the accused and attempted to misbehave with the wife of the accused and on raising alarm by the wife of the accused, the deceased left the house. Thereafter, the wife of the accused informed the same to the accused and the accused with an intention to kill the deceased thrown stones on the chest and head of the deceased causing fatal injuries, due to which, the deceased died on the spot.



CRL.MP(MD)No.10094 of 2024

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4. The learned counsel for the petitioner would submit that PW2 is said to be a chance witness and he is also projected as eye-witness. However, his presence is highly doubtful. PW2 has stated that the accused had thrown stones on the chest of the deceased and thereafter ran away from the scene of occurrence, whereas the evidence of PW2 does not tally with the medical evidence. As per the evidence of PW11 Doctor, the deceased is said to have died of head injury and therefore, the evidence of PW2 cannot be believed. He would further submit that even as per the case of the prosecution, the motive for the occurrence is that the deceased is said to have misbehaved with the wife of the accused and thereby there was enmity. The occurrence took place in the year 2019 and the petitioner was on bail during trial and he had not misused the liberty granted to him and subsequently after the conviction on 09.08.2023, he has been in prison for the past two years. He would further submit there are several arguable points and the appellant has got a good case on merits.

5. The respondent – Police has filed a detailed counter affidavit.

6. Learned Additional Public Prosecutor appearing for the respondent – Police would submit that the testimony of eye witness/PW2 is reliable and trustworthy and the same is corroborated by the testimony of PW4-daughter of the deceased and



CRL.MP(MD)No.10094 of 2024

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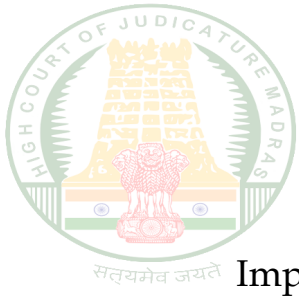
therefore, the evidence of PW2 cannot be disbelieved and rejected merely because certain natural contradictions have appeared into his testimony, thereby, he would object for grant of suspension of sentence to the petitioner.

7. Heard the learned counsel on either side and perused the materials available on record.

8. Having gone through the records and taking into consideration the facts and circumstances of the case, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioner.

9. Accordingly, the criminal miscellaneous petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner herein is suspended, subject to the following conditions:

- i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned II Additional District and Sessions Judge, Tiruchirappalli.
- ii. The sureties shall affix their photographs and Left Thumb



CRL.MP(MD)No.10094 of 2024

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Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.

iii. The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m., until further orders.

sd/-
18/08/2025

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/08/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1. The II Additional District and Sessions Judge,
Tiruchirappalli.

2. The Inspector of Police,
Samayapuram Police Station,
Tiruchirappalli District.

3. The Superintendent,
Central Prison, Trichy.

<https://www.mhc.tn.gov.in/judis>



CRL.MP(MD)No.10094 of 2024

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
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in
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Date :18/08/2025

AS/19.08.2025 6P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023