

CRL.MP(MD)No.10009 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.10009 of 2024
in
CRL.A(MD)No.532 of 2024

1. Chelin Mary
2. Rajkumar

... Petitioners

vs.

The State Rep. By
The Inspector of Police,
Thevaram Police Station,
Theni District.
(Crime No.202/2019)

... Respondent

Petition filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed by the learned Additional District Court (FTC), Theni, in S.C.No.19 of 2020 dated 22.02.2024 and enlarge the petitioners on bail pending disposal of the above criminal appeal.

For Petitioners : Mr.A.Arputharaj
For Respondent : Mr.S.Ravi
Additional Public Prosecutor



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ORDER

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

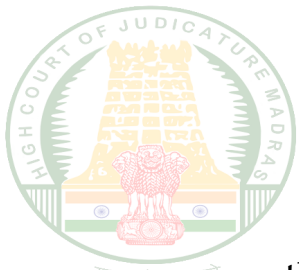
Seeking to suspend the sentence imposed on the petitioners by the learned Additional District Court (FTC), Theni, in S.C.No.19 of 2020 dated 22.02.2024, they have filed this criminal miscellaneous petition.

2. The petitioners stand convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
302 IPC	To undergo life imprisonment	Rs.1,000/- in default to undergo six months simple imprisonment

3. The case of the prosecution is that the deceased who is the husband of A1 and father of A2, was a drunkard and he used to harass and commit cruelty on A1. On 08.06.2019, the deceased had come to the house in an inebriated condition and abused A1 due to which, A1 is said to have instigated A2-son to assault the deceased and accordingly A2 assaulted the deceased with wooden reaper, due to which, the deceased had fallen down and A1 is said to have hit the deceased with the stone on his head and face resulting in his death.

4. The learned counsel for the petitioners would submit that it is a case of circumstantial evidence. Though PW3 and PW4 are stated to be eye witnesses to the



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occurrence, they have not supported the case of the prosecution and even as per the prosecution case, the occurrence is said to have taken place during the quarrel in which, the deceased is said to have abused A1 in filthy language in an inebriated condition and committed cruelty on her. He would further submit that the occurrence is said to have happened in the year 2019 and the petitioners were on bail during trial and they have not misused the liberty granted to them. He would also submit that there are several arguable points in the appeal and the petitioners have got a good case on merits.

5. The learned Additional Public Prosecutor would submit that though PW3 and PW4 have not supported the prosecution case, the trial Court finding that the death of the victim had happened inside the house and that no probable explanation was given by the accused with regard to the same, had convicted the accused, thereby, he would object for grant of suspension of sentence to the petitioner.

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

7. 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 petitioners.



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

- i. The petitioners are directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Additional District Court (FTC), Theni.
- ii. The sureties shall affix their photographs and Left Thumb 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 petitioners 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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19/08/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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To

1. The Additional District Judge (FTC),
Theni.

2. The Superintendent,
Central Prison,
Madurai.

3. The Superintendent,
Central Prison for Women,
Madurai.

4. The Inspector of Police,
Thevaram Police Station,
Theni District.

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

+1 CC to M/s.A.ARPUTHARAJ, Advocate (SR-8908[I] dated 18/08/2025)

ORDER

IN

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IN

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Date :18/08/2025

HPS/19.08.2025 5P/7C

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