



CRL.MP(MD)No.10541 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2025

CORAM:

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

CRL.MP(MD)No.10541 of 2024
in
CRL.A(MD)No.811 of 2024

Silambarasan

... Petitioner

vs.

State rep by
The Inspector of Police,
Kadayam Police Station,
Tirunelvel District.

... Respondent

PRAYER: Petition filed under Section 389(1) of the Criminal Procedure Code, 1973 and Section 430(1) of BNSS, to grant an order of suspension of sentence imposed in the conviction judgment passed in S.C.No.69 of 2020 dated 12.10.2023 on the file of the learned III Additional Sessions Judge, Tirunelveli, and enlarge the Petitioner/ Appellant/ Accused No.1 on bail, pending disposal of the criminal appeal.

For Petitioner : Mr.C.Saravanakumar

For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

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

Seeking to suspend the sentence imposed on the petitioner/A1 by the learned III Additional District and Sessions Judge, Tiruenveli, vide order dated 12.10.2023 in S.C.No.69 of 2020, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
120(B) IPC	To undergo Life imprisonment	Rs.1000/-, in default to undergo one month simple imprisonment.
302 IPC	To undergo Life imprisonment	Rs.1000/-, in default to undergo one month simple imprisonment.
201 IPC	To undergo 3 years Rigorous Imprisonment	Rs.1000/-, in default to undergo one month simple imprisonment.
The sentences shall run concurrently.		

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3. The case of the prosecution is that one Rajakumari had made a complaint before the respondent police as against the petitioner/A1 and the second accused. Though the petitioner and the other accused requested the said Rajakumari to withdraw the complaint, the said Rajakumari refused to withdraw the same. Hence, the accused persons conspired together and murdered the husband of P.W.1 on 10.10.2019 by causing injuries with liquor bottle and rough stone on his head.

4. The learned counsel for the petitioner submitted that it is the case of circumstantial evidence. Though P.W.7 had stated that he had seen the accused along with the deceased on 10.10.2019 at 5.45 p.m., subsequently, he had deposed that P.W.1, wife of the deceased called P.W.7 at 07.00 p.m., on the same day and she had not told about having last seen the accused and deceased together. He would further submit that this Court taking into consideration the above aspect had granted suspension of sentence in respect of co-accused/ A2, by an order dated 26.07.2024 in Crl.M.P(MD)No.11 of 2024 and therefore, he would seek for suspension of sentence.

5. The learned Additional Public Prosecutor for the respondent - Police submitted that there is a previous enmity between the petitioner and the deceased regarding withdrawal of a case registered by the wife of the deceased. The wife of the



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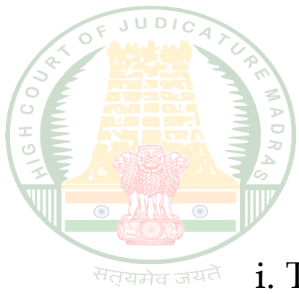
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deceased, P.W.1 has also spoken about the previous enmity between the accused and the deceased. The trial Court has also found that P.W.7 has also spoken about having lastly seen the accused along with the deceased. Thereby, he would vehemently oppose for grant of suspension of sentence.

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

7. It is seen that it is a case of circumstantial evidence and the petitioner is the first accused. Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the period of incarceration and also taking into consideration the facts and circumstances of the case, we are inclined to suspend the sentence imposed on the petitioner by the Trial Court pending the Appeal.

8. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment imposed on the petitioner herein alone is suspended pending the Appeal, subject to the following conditions:



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i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the III Additional District and Sessions Court, Tirunelveli.

ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Committal Court may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.

iii. The petitioner shall stay at Vellore and report before the Inspector of Police, Adukkamparai Police Station, Vellore, every day at 10.30 am., until further orders.

iv. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

sd/-
23/07/2025

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23/07/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO
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- 1 THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE, TIRUNELVELI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 3 THE INSPECTOR OF POLICE,
KADAIYAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
ADUKKAMPARAI POLICE STATION,
VELLORE.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL.MP(MD)No.10541 of 2024
in
CRL.A(MD)No.811 of 2024
Date :23/07/2025

AS/23.07.2025/6P/6C

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