



CRL.MP(MD) No. 10714 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 12.08.2025

CORAM

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

**CRL.MP(MD) No. 10714 of 2024
in
Crl.A(MD)No.676 of 2024**

Selvakumar

...Petitioner / Appellant

Vs.

**State rep. by
The Inspector of Police
Aviyur Police Station,
Virudhunagar District.
(Crime No.27 of 2018)**

..... Respondent/ Respondent

Prayer : Petition filed under Section 430 (1) of BNSS to suspend the sentence of imprisonment imposed by the learned Additional District and Sessions Judge, Virudhunagar, in S.C.No.84 of 2019 dated 12.07.2024 and enlarge the petitioner/appellant on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.R.Pon Karthikeyan

For Respondent : Mr.A.Thiruvadi Kumar,

Additional Public Prosecutor



CRL.MP(MD) No. 10714 of 2024

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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 Additional District and Sessions Judge, Virudhunagar, *vide* Judgment dated 12.07.2024 in S.C.No.84 of 2019 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 r/w. 34 IPC	To undergo life imprisonment	Rs.1,000/- i/d to under go six months rigorous imprisonment
364 IPC	To undergo 10 years rigorous imprisonment	Rs.1,000/- i/d to under go six months rigorous imprisonment

3. The deceased was residing in K.Veppankulam, Kamuthi Taluk. PW8 is the daughter and PW10 is the son of deceased. The case of the prosecution is that the deceased used to lend money to nearby villagers. Among those who had borrowed money from him were A1 and A2, who were unable to repay the said amount. It is alleged that the deceased had abused them on account of the non-



CRL.MP(MD) No. 10714 of 2024

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repayment, thereby causing quarrel and enmity. A1 and A2 planned to do away the deceased. They sought help of A3 who is the nephew of A1. On 10.02.2018 at about 11.00 p.m., A1 to A3 hatching a conspiracy to kill the deceased. On 14.02.2018 A1 called deceased and stated that A2 has arranged money from his sister and he would return it. Then A1 asked the deceased to come to K. Karisalkulam. The deceased believing this, left his home after informing his daughter/ PW8 and grandson/ PW27 that he was going to meet someone to collect money owed to him. Thereafter, the deceased met A1 to A3 at K.Karisalkulam junction and they all travelled together to Kariyapatti, consuming liquor on the way. They took an autorickshaw from Kariyapatti bus stand to Nasar Puliyanikulam, and from there walked to the eastern side of K.Alangulam tank and after consuming food and liquor, A1 and A2 strangled him using a towel and thereafter crushed his head with a stone, resulting in his death. Subsequently, A2 is said to have the deceased's gold chain and ring. Thereafter, A1, A3 and A4 allegedly purchased diesel and poured it over the deceased's body and set ablaze at the place of occurrence to destroy evidence. The burnt body was found the next day by a passerby and reported to the authority. Hence, the respondent police has registered a case in Crime No.27 of 2018 for the offence under Sections 201 and 302 IPC.



CRL.MP(MD) No. 10714 of 2024

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4. The learned counsel appearing for the petitioner would submit that it is a case of circumstantial evidence. The prosecution has failed to prove the chain of circumstances to fix the accused in the crime. The body of the deceased was said to have been seen by P.W.3 on 16.02.2018 at about 11.30 a.m., and on his instructions, P.W.1 Village Administrative Officer is said to have given the complaint to the respondent on the same day. After five months, the respondent police has examined P.W.16, an auto driver to the effect that he has last seen the accused along with the deceased i.e., on 15.02.2018 at about 12.30 p.m. The trial Court failed to take into consideration the long gap between 12.30 p.m., (afternoon) on the previous day and the body was found on the next day at about 11.30 p.m., and further even as per P.W.8 the daughter of the deceased, the deceased was having criminal case against him including murder and that he was also leading a wayward life and he was having several other enemies and he would submit that without the chain of circumstances having been proved, the trial Court has convicted the petitioner. He would further submit that the occurrence had happened in the year 2018 and the petitioner was on bail during trial and he has not violated the liberty granted to him during his bail and after conviction only the petitioner is in prison. He would also submit that there are several other arguable points in this case and therefore, he prayed for suspension of sentence.



CRL.MP(MD) No. 10714 of 2024

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5. The respondent has filed a counter. The learned Additional Public Prosecutor would submit that the deceased is a moneylender. The accused have borrowed money from him and in the guise of returning the money, they have called the deceased and they have committed the murder and thereafter, they have taken the jewels worn by him and to screen the evidence they have also poured diesel on the body of the deceased and set the body on fire. He would further submit that the respondent police has proved the case beyond reasonable doubt and the trial Court has rightly convicted the accused and thereby he would vehemently opposed for grant of bail to the petitioner.

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

7. It is an application of suspension of sentence. We would not propose to delve deep into the evidence at this stage. Having gone through the records, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioner.

8. Accordingly, the Criminal Miscellaneous Petition is allowed and the



CRL.MP(MD) No. 10714 of 2024

substantive sentence of imprisonment alone imposed on the petitioner herein is
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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 Additional District and Sessions Judge, Virudhunagar.
- 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 petitioner shall stay at Nagapattinam and report before the Inspector of Police, Nagapattinam Town Police Station, daily at 10.30 a.m., 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/-
12/08/2025

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



CRL.MP(MD) No. 10714 of 2024

RM
TO
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1. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR.
2. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
3. THE INSPECTOR OF POLICE
AVIYUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

COPY TO

- 1 THE INSPECTOR OF POLICE,
NAGAPATTINAM TOWN POLICE STATION,
NAGAPATTINAM.

+1. C.C. to R.PON KARTHIKEYAN Advocate SR.No.8728 (I) DT.12/08/2025

ORDER
IN
CRL MP(MD) No.10714 of 2024
IN
CRL A(MD) No.676 of 2024
Date :12/08/2025

NM/13.08.2025/ 7P/6C

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