



Crl.M.P(MD)No.11657 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 01.09.2025

CORAM:

THE HON'BLE MR JUSTICE P.VELMURUGAN
AND
THE HON'BLE MRS JUSTICE L.VICTORIA GOWRI

Crl.M.P(MD)No.11657 of 2025
in
Crl.A(MD)No.632 of 2023

Karthigairaj

... Petitioner/ Appellant

-VS-

State rep. by
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
(Crime No.414/2010)

... Respondent / Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 & 483 of BNSS, 2023 to suspend the sentence imposed by the Additional District and Sessions Court, Virudhunagar District at Srivilliputtur in S.C.No.194 of 2011 on 27.06.2023 and release the petitioner on bail pending disposal of the Criminal Appeal.

For Appellant : Mr.M.Jothi Basu

For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor



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ORDER

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[Judgment of the Court was made by P.VELMURUGAN., J.]

This petition has been filed praying to suspend the sentence imposed against the petitioner in S.C.No.194 of 2011 by the learned Additional District and Sessions Court, Virudhunagar District at Srivilliputhur and also to enlarge him on bail.

2.The petitioner is the second accused in S.C.No.194 of 2011, wherein the petitioner has been found guilty under Section 341 of IPC and sentenced to undergo one month Simple Imprisonment and found guilty under Section 302 of IPC and sentenced to undergo Life Imprisonment and also imposed a fine of Rs.5,000/- in default to undergo three months Simple Imprisonment. Aggrieved over the conviction and sentence, the present appeal has been filed. Pending appeal, this application to suspend the sentence of imprisonment has been filed.

3.The case of the prosecution is that there was a money dispute between the accused and the deceased. Due to the said motive, on 21.06.2010 at 23.00 hours (11.00 PM) the accused Nos.1 & 3 have attacked the deceased with aruval and Accused No.2 has attacked the deceased with Suri Knife. The deceased died in the



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place of occurrence.

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4. The learned counsel for the petitioner would submit that P.W.1 is said to be the second wife of the deceased and the alleged occurrence is said to have taken place on 21.06.2010 at 11.30 p.m., where it was fully dark and thereby the presence of P.W.1 in the scene of occurrence is highly doubtful. Even in the rough sketch and the observation mahazar, the house of P.W.1 is not shown. Though P.W.1 claims that P.W.2 who is the son of the first wife was staying along with her at the time of occurrence, in her cross-examination, she has stated that P.W.2 was staying at Sathya Nagar, which is 3 km away from the scene of occurrence. He would further submit that P.W.4, who is said to have attested the complaint, has turned hostile and he has not supported the case of the prosecution. Nothing has been stated about the availability of light on the place of occurrence. In such circumstances, the trial Court without taking into consideration the contradictions in the evidence of witnesses has convicted the petitioner. He would further submit that the co-accused has been granted suspension of sentence in Crl.M.P(MD)No.8583 of 2024, dated 12.08.2025 and the petitioner is in incarceration from 27.06.2023 and hence, he prays for suspension of sentence.

5. The learned Additional Public Prosecutor would submit that the deceased is a money lender and he had demanded the money given to the accused, on account



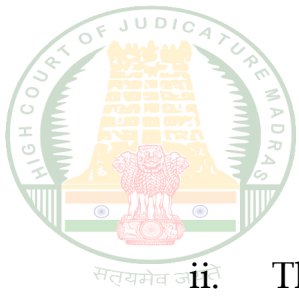
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of which, the accused joined together and assaulted him with and aruval resulting in his death. He would further submit that the prosecution has proved the case beyond reasonable doubt and hence, the trial Court has rightly convicted the accused and therefore, he is not entitled to seek for any indulgence of this Court at this juncture.

6. Considering the above facts and taking into consideration of the fact that there are some arguable points are involved in this criminal appeal and considering the period of incarceration undergone by him and the co-accused has been granted suspension of sentence by this Court in Crl.M.P(MD)No.8583 of 2024, dated 12.08.2025, we are inclined to grant suspension of the sentence.

7. 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.25,000/- (Rupees twenty five thousand only) each with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Additional District and Sessions Court, Virudhunagar District at Srivilliputhur.



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- ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the satisfaction Court may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.
- iii. The petitioner shall report before the Additional District and Sessions Court, Virudhunagar District at Srivilliputhur on the first working day of every english calender month at 10.30 a.m. until further orders.

Post the matter on 17.09.2025 for final disposal.

sd/-
01/09/2025

/ TRUE COPY /

02/09/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

am

To:

1.The Additional District and Sessions Judge,
Virudhunagar District at Srivilliputhur.

2.The Superintendent,
Central Prison, Madurai.

3.The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.



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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-9443[I] dated 01/09/2025)

ORDER

IN

CRL MP(MD) No.11657 of 2025

IN

CRL A(MD) No.632 of 2023

Date :01/09/2025

HPS/02.09.2025 6P/6C

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