



CRL.MP(MD)No.10956 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 28.08.2025

CORAM:

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

CRL.MP(MD)No.10956 of 2024
in
CRL.A(MD)No.833 of 2024

Mahendran

... Petitioner

vs.

State rep by
The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
In Crime No.20 of 2017

... Respondent

Petition filed under Section 430(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed by the learned Additional District and Sessions Court, Virudhunagar District at Srivilliputhur in S.C.No.123 of 2017 dated 30.08.2024 and enlarge the petitioner/Accused No.2 on bail till the disposal of the criminal appeal.

For Petitioner : Mr.S.Maya Perumal
For Respondent : Mr.B.Nambi Selvan
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 petitioner/A2 by the Additional District and Sessions Court, Virudhunagar District at Srivilliputhur in S.C.No.123 of 2017 dated 30.08.2024, 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.10,000/- in default to undergo one year rigorous imprisonment
326 IPC	To undergo five years rigorous imprisonment	Rs.2,000/- in default to undergo six months simple imprisonment

3. The case of the prosecution is that A1 and A2 are brothers of PW4 and A3 & A4 are friends of A1 & A2. PW1 and the deceased Rajasekar are own brothers and PW2 is the wife of the deceased. On 11.01.2017, the accused persons armed with sickle, had come to the house of PW4 and demanded share in the property, in which, there was some altercation between them. On hearing the same, the



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deceased Rajasekar, PW3 who is neighbor of the deceased, PW1 and PW2 had tried to intervene and stop the altercation. The accused 1 to 4 attacked on the shoulder of the deceased, PW1 and PW2. All the injured persons were taken to Government Hospital, Rajapalayam. On the basis of the complaint given by PW1, FIR in Crime No.20 of 2017 was registered for the offences punishable under Sections 294(b), 323, 324, 307 and 506(ii) of IPC. Thereafter, the said Rajasekar died on 14.01.2017. Later, the offences were altered to Sections 294(b), 323, 324, 506(i) and 302 of IPC.

4. The learned counsel appearing for the petitioner would submit that the alleged occurrence is said to have taken place during a quarrel and the petitioner is said to have shared the common intention with other accused for having committed the murder. Even as per the prosecution, the charge against the petitioner is that he had inflicted an injury on the left wrist of PW2 with sickle. He would further submit that the petitioner does not have any criminal antecedents and the incident is said to have happened during the year 2017. Further, when the petitioner was on bail, he had not misused the liberty granted to him and that there is a likelihood of modification of the sentence. Thus, the learned counsel would pray for suspension of the sentence.

5. The respondent has filed a counter. The learned Additional Public



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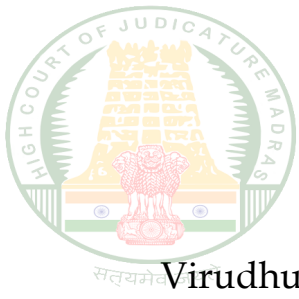
Prosecutor appearing for the respondent – Police, would submit that PW1 to PW3 are the eyewitnesses to the incident and their evidence is corroborated by the evidence of PW12 Doctor who had given initial treatment and PW14 Doctor who conducted post-mortem, thereby, he would vehemently oppose for suspending the sentence of 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 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 Additional District and Sessions Court,



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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 Trial Court may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.

iii. The petitioner shall stay at Villupuram and report before the Inspector of Police, Villupuram Town Police Station, daily at 10.30 a.m., until further orders.

iv. The petitioner shall not enter into the jurisdictional limits of the respondent/Police until further orders.

sd/-
28/08/2025

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01/09/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

bala
To

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

2. The Superintendent,
Central Prison,
Madurai.

3. The Inspector of Police,
Villupuram Town Police Station,

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



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Villupuram District.

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4. The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.

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

ORDER
IN
CRL MP(MD) No.10956 of 2024
IN
CRL A(MD) No.833 of 2024
Date :28/08/2025

HPS/01.09.2025 6P/6C

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