



Crl.M.P(MD)No.11651 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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.11651 of 2025

in

Crl.A(MD)No.927 of 2025

Sonairaj

... Petitioner/ Appellant

-VS-

State of Tamil Nadu rep. by
The Inspector of Police,
SS Colony Police Station,
Madurai District
(Crime No.557 of 2023)

... Respondent / Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS / Section 389(1) of Criminal Procedure Code to suspend the execution of sentence by granting bail in S.C.No.695/2023 dated 25.07.2025, on the file of the learned IV Additional District and Sessions Judge, Madurai District pending disposal of the above Criminal Appeal.

For Appellant : Mr.K.Prabhu
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor



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ORDER

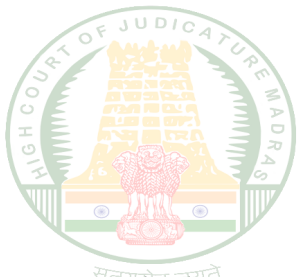
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[Judgment of the Court was made by P.VELMURUGAN., J.]

This petition has been filed praying to suspend the sentence imposed against the petitioner in Sessions Case No.695 of 2023 2012 by the learned IV Additional District and Sessions Judge, Madurai and also to enlarge him on bail.

2.The petitioner is the sole accused in S.C.No.695 of 2023, wherein the petitioner has been found guilty under Section 302 of IPC and sentenced to undergo Life Imprisonment and also imposed a fine of Rs.10,000/- in default to undergo Six Months Simple. The period already undergone by the petitioner is ordered to be set off under Section 428 of Cr.P.C. 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 in the year 2022 there was a wordy quareel between the appellant and the deceased Jeyakumar at the time of Paatu Katcheri in the temple festival. Further, on 09.05.2023 at about 10.30 p.m., the drainage water of the deceased family was stored in front of the appellant house and due to which, a wordy altercation arose between the deceased and the appellant. Immediately, the appellant has took the aruval and has attacked the deceased in his right ears and left chest and also in the left forehead causing injury and further threatened the witnesses

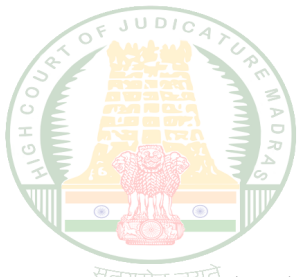


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with dire consequences. Immediately after the occurrence, the injured has been taken to the private hospital and thereafter, he was shifted to the Madurai Rajaji Government Hospital, where he was brought dead.

4. The learned counsel for the petitioner would submit that there was a delay in reporting the matter and reaching the FIR to the Court. P.Ws.1 to 4 are the eye witnesses in this case. P.W.1 is the father, P.W.2 is the mother and P.Ws.3 & 4 are the sisters of the deceased. All the eye witnesses are interested witnesses and therefore, their evidence has to be scrutinized with great care and caution. P.W.1 in his cross examination, he has specifically admitted that he was in the upstairs of his house. Only after hearing the noise he is said to have rushed to the place of occurrence. The P.W.2 being the mother of the deceased has witnessed the occurrence when her son was lying down. Further, in her cross-examination, she admitted that all the eye witnesses were available only inside the house. P.W.4 specifically admitted that they were in the upstairs. Hence, there can be no possibility of witnessing the occurrence. According to the evidence of P.W.1 one Kesavan is said to have taken the injured to the hospital for treatment, but the said Kesavan was not examined before the trial Court, which is fatal to the case of the prosecution. In the light of the contradiction in the evidence of eyewitnesses and other witnesses, the accused is having arguable points in the appeal and prays for suspension of sentence.



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5. The learned Additional Public Prosecutor would 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, 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 IV Additional District and Sessions Judge, Madurai.
- 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



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identity.

- iii. The petitioner shall report before the IV Additional District and Sessions Judge, Madurai on the first working day of every english calender month at 10.30 a.m. until further orders

sd/-
01/09/2025

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

am
TO

- 1 The Iv Additional District And Sessions Judge, Madurai.
- 2 The Superintendent, Central Prison, Madurai.
- 3 The Inspector of Police, S.S. Colony Police Station, Madurai District.
- 4 The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.PRABHU, Advocate (SR-9462[I] dated 01/09/2025)

ORDER
IN
CRL MP(MD) No.11651 of 2025
Date :01/09/2025

NBF/02/09/2025/ 5P/6C

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