

Crl.M.P.(MD) No.11777 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2025

CORAM:

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

**Crl.M.P.(MD) No.11777 of 2024
in
Crl.A.(MD) No.924 of 2024**

Mariselvam

... Petitioner/
Appellant/sole Accused

vs.

The State of Tamil Nadu,
Rep by its
The Inspector of Police,
Cumbum South Police Station,
Theni District.
(Crime No.115 of 2022)

... Respondent/
Respondent/Complainant

PRAYER: Petition filed under Section 389(1) of the Criminal Procedure Code and under Section 430 BNSS, to grant an order of suspension of sentence imposed on the petitioner by the learned Additional District (Fast Track) Court, Theni, Theni District, in S.C.No.74 of 2022 dated 14.10.2024 and enlarge the petitioner on bail till the disposal of the main criminal appeal.

For Petitioner : Mr.R.Murugappan



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For Respondents: Mr.B.Nambi Selvan

Additional Public Prosecutor

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ORDER

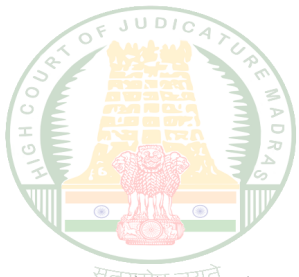
[Order of the Court was made by **A.D.JAGADISH CHANDIRA, J.**]

Seeking to suspend the sentence imposed on the petitioner by the learned Additional District (Fast Track) Court, Theni, Theni District, *vide* Judgment dated 14.10.2024 in S.C.No.74 of 2022, he has filed this criminal miscellaneous petition.

2.The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
Section 302 of I.P.C.	life imprisonment	Rs.1000/- i/d to under go six months simple imprisonment

3.The case of the prosecution is that P.W.1/Pavun, who is the wife of the deceased/Magudapathi. worked as a Gangani for sending workers to the Kerala Elamalai Estate. Four year prior to the incident, when P.W.1 had taken the petitioner's wife namely Sellamani to the said estate for work, the petitioner became suspicious of his wife activities, which led to frequent domestic issues between them. The petitioner believed that P.W.1 and her husband/deceased were the responsible for the problems in his household and is said to have continuously harassed them in

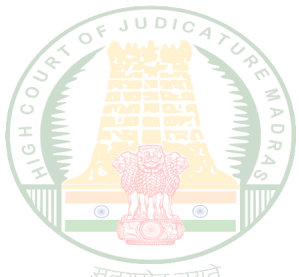


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public whenever he encountered them. On 28.03.2022, at about 08.45 p.m., the deceased had gone to P.W.9's petty shop located on a street in Kambam Municipality to purchase beedies. At that time, due to previous enmity, the petitioner confronted the deceased and began arguing. Thereafter, the petitioner's wife had taken the petitioner to their house and at that time, inside the house, the petitioner armed himself with a knife concealed it in his waistband and followed the deceased, who was walking west along the street. Upon reaching him, the petitioner abused him in filthy language. When P.Ws.2, 4 and 5 witnesses the scene and rushed to stop the fight, but before they could intervene, the petitioner took out the knife and stabbed the deceased in his left chest region and he sustained grievous injuries, which resulted in his death.

4.Learned counsel for the petitioner would submit that the prosecution has examined 14 witnesses, out of which, 7 witnesses are private witnesses and all the witnesses have turned hostile and they have not supported the case of the prosecution. The trial Court had rendered a conviction based on the alleged recovery of knife and blood stained shirt, which was worn by the accused at the time of occurrence. He would further submit that the petitioner is a physically challenged person and one of his leg was affected by polio. Further, there are several arguable points and the appeal is of year 2024 and the petitioner convicted on 14.10.2024 and



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he is in custody more than 10 months and the likelihood of the appeal being taken up for final hearing in the near future is also not possible and therefore, he prayed for suspension of sentence.

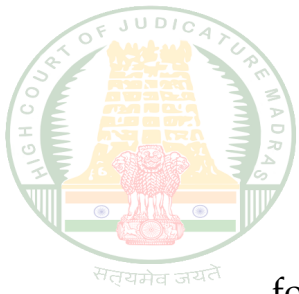
5.Learned Additional Public Prosecutor appearing for the respondent Police has filed a counter stating that though P.W.1 has supported the case of the prosecution during the chief examination on 16.06.2024, in the cross examination, she has turned hostile. The learned Trial Court placed reliance on the recovery of the knife and the blood-stained clothing to render a conviction. Hence, he would vehemently oppose the 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 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



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for a like sum to the satisfaction of the learned Additional District
(Fast Track) Court, Theni, Theni District.

- 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 report before the trial court on the first working day of every English Calendar Month, until further orders.

sd/-

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

vsg
TO

1 THE ADDITIONAL DISTRICT (FAST TRACK) JUDGE,
THENI, THENI DISTRICT.

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, CUMBUM SOUTH POLICE STATION,
THENI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS
HIGH COURT, MADURAI.

+1 CC to M/s.R.MURUGAPPAN, Advocate (SR-8687[I] dated 12/08/2025)



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ORDER

IN

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in

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Date :11/08/2025

NBF/SAR- /13/08/2025/ 6P/6C

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