



Crl.M.P.(MD) No.12955 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2025

CORAM:

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

Crl.M.P.(MD) No.12955 of 2024
in
Crl.A.(MD) No.1043 of 2024

Balasubramanian

... Petitioner/
Sole Accused

Vs.

The Inspector of Police,
Adhirampatinam Police Station,
Thanjavur District.

... 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 in S.C.No.42 of 2019 dated 24.09.2021 by the learned Fast Track Mahila Judge, Thanjavur, pending disposal of the main criminal appeal.

For Petitioner : Ms.P.Krishnaveni
Legal Aid Counsel

For Respondent : Mr.A.Thiruvadi Kumar
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 by the learned Fast Track Mahila Judge, Thanjavur District vide Judgment dated 24.09.2024 in S.C.No.42 of 2019, he has filed this criminal miscellaneous petition.

2.The petitioner stand convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
Section 302 of I.P.C.	life imprisonment	Rs.10,000/- i/ d to undergo six months simple imprisonment

3.The case of the prosecution is that the deceased is the wife of the petitioner and the petitioner had the habit of suspecting the character of the victim and on 08.12.2017 the petitioner had a quarrel with the deceased and abused her in filthy language at their home and left and thereafter on the same night at about 01.00 hour, the petitioner came home and abused his wife and took a black stone weighing around 7 kgs and 850 gms lying near and thrown the same on the head of the deceased with the intention to kill her and the deceased was taken to the hospital and died on 10.40 p.m. In nutshell, the petitioner had doubted the fidelity of his wife due

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to which he quarrelled with her and caused her death.

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4.Learned legal aid counsel appearing for the petitioner would submit that as per the prosecution case, the occurrence is said to have taken place at 1.00 a.m on 08.12.2017 whereas the victim is said to have taken to hospital at 8.15 a.m., and that the complaint had been given to the respondent police at 12.00 hours. The presence of PW1-daughter of the deceased is highly doubtful and she was already married and living along with her husband. Further the FIR has reached the Magistrate Court on 10.12.2017 at 8.00 a.m. The same creating doubt in the prosecution case. Apart from that, there are several arguable points and the appeal is of the year 2024 and the petitioner is in custody from 2017 and the likelihood of the appeal being taken up for final hearing in the near future is also not possible and therefore, she prayed for suspension of sentence.

5.Learned Additional Public Prosecutor appearing for the respondent Police would submit that the incident had taken place after a quarrel. The accused had doubted the deceased and quarrelled with her and went out of the house and returned at 01.00 a.m., and again he had quarrelled with the deceased wife and thrown a heavy weighing stone on the victim resulting the victim sustained head



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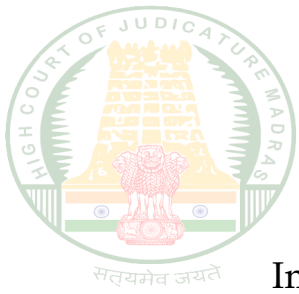
injury due to which she died, thereby, he would object for grant of bail to the
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petitioner.

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

7.Having gone through the records and taking into consideration the facts and circumstances of the case, 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 learned Fast Track Mahila Judge, Thanjavur.
- ii. The sureties shall affix their photographs and Left Thumb



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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 Theni and report before the Theni Town Police Station at 10.30 a.m., daily 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/-
19/08/2025

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22/08/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PJL

TO

- 1 The Fast Track Mahila Judge, Thanjavur.
- 2 The Superintendent,
Central Prison, Trichirappalli.
- 3 The Inspector of Police,
Adhirampatinam Police Station,
Thanjavur District.



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

Copy To

The Inspector of Police,
Theni Town Police Station,
Theni District.

+1. C.C. to M/s.P.KRISHNAVENI Advocate SR.No.9006[I] dated 19/08/2025

ORDER
IN
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in
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Date :19/08/2025

AS/22.08.2025/6P/7C

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