



CRL.MP(MD)No.12311 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED : 28.08.2025

CORAM:

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

CRL.MP(MD)No.12311 of 2024
in
CRL.A(MD)No.1000 of 2024

Kalichamy

... Petitioner

vs.

State of Tamil Nadu,
The Inspector of Police,
Alangulam Police Station,
Virudhunagar District.
(In Crime No.131 of 2021)

... Respondent

Petition filed under Section 430(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed in the judgment dated 30.05.2024 made in S.C.No.77 of 2022 on the file of the Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur and enlarge the petitioner on bail.

For Petitioner : Mr.C.Mayil Vahana Rajendran

For Respondent : Mr.B.Nambi Selvan

Additional Public Prosecutor



CRL.MP(MD)No.12311 of 2024

ORDER

WEB COPY

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

Seeking to suspend the sentence imposed on the petitioner/accused by the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, in S.C.No.77 of 2022 dated 30.05.2024, 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

3. The case of the prosecution is that the accused and the deceased Lakshmi were husband and wife. The deceased had developed illicit -intimacy with the friend of the accused namely, Vijayaraja. On knowing the same, the accused had warned his wife, however, she continued the relationship with the said Vijayaraja and had eloped with him. On a complaint by the accused, the Police had brought back the deceased. Even thereafter, the wife of the accused had continued the relationship with Vijayaraja and on 20.10.2016, when the deceased was talking to

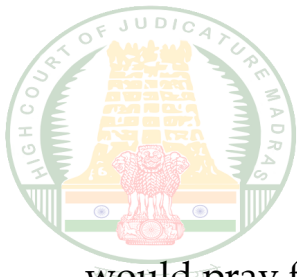


CRL.MP(MD)No.12311 of 2024

WEB COPY

Vijayaraja through phone, the accused followed her, pushed her down and caused her death by making multiple stab injuries.

4. The learned counsel appearing for the petitioner would submit that PW1 to PW3 are interested witnesses and the incident is said to have happened on the bank of a kanmoi and the presence of PW1 to PW3 is doubtful at the relevant point of time. He would further submit that the case of the prosecution itself is that the deceased who was a married woman with three children, is said to have developed illicit intimacy with the friend of the accused and that she had eloped with him on 07.10.2021 along with the children and they were brought back to the native place on 16.10.2021. Subsequently, the police is said to have advised her and sent her back to the mother's house and the incident is said to have happened since she had once again called the said Vijayaraja over phone. He would further submit that though the motive is said to be illicit intimacy with one Vijayaraja, the said Vijayaraja has not been examined. Even in the alternative, it is a case of sustained provocation, where the victim who was brought back after giving advice, she had once again developed illegal contact with Vijayaraja through phone. He would further submit that there is a chance for modification of the sentence and when the petitioner was on bail during trial, he had not misused the liberty granted to him, thereby, he



CRL.MP(MD)No.12311 of 2024

would pray for suspension of sentence.

WEB COPY

5. The respondent has filed a counter. The learned Additional Public Prosecutor appearing for the respondent - Police, would submit that the eyewitnesses to the incident have clearly spoken about the motive and the overt act against the accused. Further, the deceased died due to multiple stab injuries and merely because certain natural contradictions have appeared into the testimony of PW1 to PW3, that will not stand in the way of disbelieving their versions, thereby, he would object for grant of suspension of sentence 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



CRL.MP(MD)No.12311 of 2024

WEB COPY

for Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur.

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 appear before the trial Court on the first working day of every month at 10.30 a.m., until further orders.

sd/-
28/08/2025

/ TRUE COPY /

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

bala

To

1. The Sessions Judge,
Fast Track Mahila Court,
Virudhunagar District at Srivilliputhur.

2. The Judicial Magistrate No.II, Sattur.

3. Do Through The Chief Judicial Magistrate,
Virudhunagar District @ Srivilliputhur.

4. The Superintendent,
Central Prison,

Madurai

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



CRL.MP(MD)No.12311 of 2024

5. The Inspector of Police,
Alangulam Police Station,
Virudhunagar District.

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

+1 CC to M/s.C.MAYILVAHANA RAJENDRAN, Advocate (SR-9293[I] dated
28/08/2025)

ORDER
IN
CRL MP(MD) No.12311 of 2024
IN
CRL A(MD) No.1000 of 2024
Date :28/08/2025

HPS/01.09.2025 6P/8C

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