



CRL MP(MD) No. 12221 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.07.2025

CORAM

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

CRL MP(MD) No. 12221 of 2024
in
Crl.A(MD)No.992 of 2024

S.Loganathan

..... Petitioner

Vs

The Inspector of Police
Sivagangai Town Police Station,
Sivagangai District

..... Respondent

Prayer: Petition filed under Section 430 (1) of B.N.S.S to suspend the sentence imposed on the petitioner by the learned Principal Sessions Judge, Sivagangai by its judgment in S.C.No.59 of 2022 dated 23.09.2024 and enlarge him on bail pending disposal of the Criminal Appeal.

For Petitioner : Mr.Gopalakrishna Raja , Senior Counsel
for Mr.R.Balamuruganathan

For Respondent : Mr.A.Thiruvadikumar
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 Principal Sessions Judge, Sivagangai, vide Judgment dated 23.09.2024 in S.C.No.59 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
302 I.P.C	Life imprisonment	Rs.5,000/- i/d to under go one year Rigorous imprisonment

3. The case of the prosecution is that both the deceased and the accused are doing construction work and there was some enmity between them regarding construction work, due to which the petitioner said to have abused the deceased in filthy language and also taken the casuarina stick and assaulted the deceased due to which he sustained injuries and died. Hence the case.



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4. The learned Senior Counsel appearing for the petitioner would submit that the alleged incident said to have taken place during quarrel between two construction workers and there was no motive or intention on the part of the petitioner to commit murder. The petitioner herein said to have taken casuarina stick lying in the construction site and said to assaulted the deceased with the stick and the deceased died after four days of admission in the hospital. He would further submit that the petitioner is in custody from the date of judgment and apart from that, there are several arguable points and the appeal is of year 2024 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. The learned Additional Public Prosecutor appearing for the respondent - Police, would submit that with an intention to commit murder of the deceased the petitioner said to have taken the casuarina stick and assaulted him due to which he sustained injuries and thereafter taken to hospital where he lost his breath, thereby, he would vehemently oppose for grant of bail to the petitioner.

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



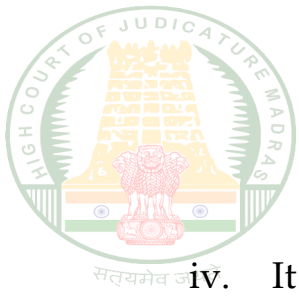
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7. It is an application of suspension of sentence. We would not propose to delve deep into the evidence at this stage. Having gone through the records, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioner.

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 learned Principal Sessions Judge, Sivagangai
- 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 Vellore and report before the Inspector of Police, Vellore South Police Station, daily at 10.30 a.m., until further orders.



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iv. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

sd/-
22/07/2025

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/07/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE PRINCIPAL SESSIONS JUDGE,
SIVAGANGAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.

4 THE INSPECTOR OF POLICE,
VELLORE SOUTH POLICE STATION.

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



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+1 CC to M/s.S.G.L.RISHWANTH, Advocate (SR-7900[I] dated 22/07/2025)

ORDER

IN

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Date :22/07/2025

AS/23.07.2025/6P/7C

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