



Crl.M.P.(MD)No.14194 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.14194 of 2024

in Crl.A.(MD)No.725 of 2024

Sathiyaseelan,
S/o.Velu,
Seriyalur Inam Village,
Keeramangalam,
Pudukkottai District.

Petitioner(s)

versus

State represented by its
The Inspector of Police,
Keeramangalam Police Station,
Pudukkottai District.

Respondent(s)

For Petitioner(s):

Mr.K.C.Maniyarasu
Advocate

For Respondent(s):

Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

ORDER

The petitioner is the sole accused in S.C.No.106 of 2018. He was tried in S.C.No.106 of 2018 on the file of the Additional District and Sessions Court, Pudukkottai, for the offence under Sections 294(b), 302 and 506(ii) IPC that he has



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murdered his father-in-law. After the trial, the Trial Court, by its Judgment dated 23.02.2024, found the the petitioner guilty for the offence under Sections 294(b) and 304 (Part-II) IPC and convicted and sentenced him as follows:

(i) for the offence under Section 294(b) IPC, to undergo three months simple imprisonment.

(ii) for the offence under Section 304 (Part-II) IPC, to undergo 10 years rigorous imprisonment and to pay a fine of Rs.1,000/-, with the default sentence of three months simple imprisonment.

Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.725 of 2024. Along with the appeal, the petitioner has already filed a petition in Crl.M.P.(MD)No.9288 of 2024 seeking to suspend the sentence imposed by the trial Court, but, the same was dismissed by this Court on 23.09.2024 that it was filed too early by the petitioner. Thereafter, the petitioner has filed this petition to suspend the sentence.

2. The learned counsel appearing for the petitioner submits that the petitioner is in jail for the past one year, i.e. from 23.02.2024. He further submits that even according to the prosecution case, the petitioner was said to have assaulted the deceased with a wooden log, due to which, he fell down and sustained injuries. The deceased was admitted in a hospital and died on the next day. The learned counsel,



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by referring the evidence of P.W.1, submits that after the occurrence, the deceased was taken to Keeramangalam Primary Health Centre for first aid. The Doctor of Keeramangalam Primary Health Centre was cited as witness, namely, P.W.15, however, she was not examined by the prosecution.

3. The learned counsel for the petitioner further submits that the Doctor, who conducted autopsy on the body of the deceased, has recorded that there was smell of arrack from the deceased. By referring this evidence of P.W.15-Doctor, who conducted the postmortem, the learned counsel further submits that the deceased, under the influence of alcohol, fell down and sustained injuries. However, this case has been foisted as against the petitioner by P.W.1, who is the son of the deceased. Since the petitioner is in jail for the past one year, he seeks to suspend the sentence imposed on the petitioner.

4. The learned Government Advocate (Crl. Side) opposed to grant suspension of sentence that the earlier petition filed by the petitioner in Crl.M.P.(MD)No.9288 of 2024 was dismissed by this Court on 23.09.2024 and even thereafter, there is no change in circumstances to consider the case of the petitioner. He further submits that the deceased is none other than the father-in-law of the petitioner. The petitioner, by demanding property, has brutally assaulted the deceased with a wooden log and caused the death.



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5. This Court considered the rival submissions and perused the materials placed on record.

6. This is the second petition filed by the petitioner to suspend the sentence. The earlier petition filed by the petitioner in Crl.M.P.(MD)No.9288 of 2024 was dismissed by this Court on 23.09.2024 that it was filed too early by the petitioner.

7. The petitioner was charged for the offence under Sections 294(b), 302 and 506 (ii) IPC. However, he was convicted only for the offence under Sections 294(b) and 304 (Part-II) IPC and sentenced as stated above. The learned counsel for the petitioner has pointed out that the deceased was taken to a nearby hospital, namely, Keeramangalam Primary Health Centre. The Doctor of Keeramangalam Primary Health Centre was also cited as a witness, but, she was not examined by the prosecution. The initial statement recorded in the Keeramangalam Primary Health Centre is not available during the trial. Apart from this point, the petitioner has also raised certain arguable points, which can be considered only at the time of final hearing. Though the earlier petition was dismissed by this Court on 23.09.2024, the appeal could not be taken up for final hearing for want of time.

8. Considering the points raised by the petitioner, his period of incarceration and for the reasons that the appeal could not be taken up immediately, this Court is inclined to allow this petition.



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9. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Additional District and Sessions Court, Pudukkottai District and on further conditions that the petitioner shall stay at Erode and appear before the Inspector of Police, Erode Town Police Station, Erode, daily at 10.30 a.m. until further orders.

sd/-
04/04/2025

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07/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY
TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PUDUKKOTTAI DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

3 THE INSPECTOR OF POLICE,
KEERAMANGALAM POLICE STATION,
PUDUKKOTTAI DISTRICT.

4 THE INSPECTOR OF POLICE,
ERODE TOWN POLICE STATION, ERODE.



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

+1 CC to M/s.K.C.MANIYARASU, Advocate (SR-3952[I] dated 04/04/2025)

ORDER
IN
Crl.M.P.(MD)No.14194 of 2024
in Crl.A.(MD)No.725 of 2024
Date :04/04/2025

SS/SAR. /07.04.2025/6P/7C

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