

Crl.M.P.(MD) No.137 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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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.137 of 2025

in

Crl.A.(MD) No.16 of 2025

1.Chandru @ Chandrasekaran

2.Sekar

... Petitioners/
Appellants/ Accused 2 & 3

vs.

The State of Tamil Nadu,
Rep by its
The Inspector of Police,
Melattur Police Station,
Thanjavur District.
(Crime No.07 of 2016)

... 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 petitioners in S.C.No.157 of 2018 by the learned I Additional District and Sessions Judge, (PCR), Thanjavur, Thanjavur District, by judgment dated 25.09.2024 pending disposal of the main criminal appeal.



Cri.M.P.(MD) No.137 of 2025

WEB COPY

For Petitioners : Mr.R.Ilayaraja

For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor

ORDER

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

Seeking to suspend the sentence imposed on the petitioners by the learned I Additional District and Sessions Judge, (PCR), Thanjavur, Thanjavur District *vide* Judgment dated 25.09.2024 in S.C.No.157 of 2018, they have filed this criminal miscellaneous petition.

2.The petitioners 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 under go one year simple imprisonment

3.The case of the prosecution is that on 15.01.2016 while pongal festival was celebrated near Water Tank in South Street in Koniyakuruchi, the first accused placed radio set for playing songs. He stopped playing songs at 09.00 p.m. At that time, the deceased asked him to play one more song, for which, the first accused refused, abused him in filthy language and also assaulted him along with other accused persons by using tube lights. As a result, the deceased sustained injuries, which led to his death.

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

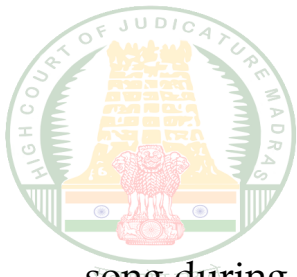


Crl.M.P.(MD) No.137 of 2025

WEB COPY

4.Learned counsel for the petitioner would submit that the alleged occurrence is said to have taken place during the festival. The presence of P.W.1, who is said to be ocular witnesses at the scene of occurrence is also doubtful. P.W.4, who is said to have taken the deceased to the hospital has not spoken about the presence of P.W.1 at the time of the occurrence. Even as per the prosecution, the incident is said to have taken place during a quarrel. The accused are mike set operators for temple festival and they have stopped playing audio after 09.00 p.m. The deceased had compelled them to play a song and there was a quarrel, during which time, the accused are said to have inflicted the injuries with a broken tube light. The incident had taken place during a sudden fight and there was no intention or motive on the part of the accused and no weapon had been used. He would further submit that the occurrence is said to have taken place in the year 2016 and the accused were on bail during trial and they have not misused the liberty granted to them. Further, there are several arguable points in the appeal 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 would submit that the incident had taken place during a quarrel. The accused had refused to play music after 09.00 p.m. The deceased had compelled them to play one



Cri.M.P.(MD) No.137 of 2025

WEB COPY

song during such time, there was a quarrel and at that time, the accused had broken the tube light and stabbed him with that resulting in his death thereby, he would object for grant of bail to the petitioners.

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 petitioners.

8. Accordingly, the criminal miscellaneous petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioners herein is suspended, subject to the following conditions:

- i. The petitioners are 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 I Additional District and Sessions Judge, (PCR), Thanjavur, Thanjavur 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



Crl.M.P.(MD) No.137 of 2025

WEB COPY

identity.

- iii. The petitioners shall report before the trial court (*)**on all working** dates at 10.30 a.m., 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/-
11/08/2025

(*)CORRECTED AS PER THE ORDER OF THIS HON'BLE COURT IN CRL MP(MD) 137 of 2025 IN CRL A(MD) No.16 of 2025 DATED 22.08.2025 BY ADJCJ and RPJ.

/ TRUE COPY /

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

VSG

TO

(*)TO BE SUBSTITUTED WITH THE ORDER DATED 11/08/2025 ALREADY DESPATCHED.

- 1 THE LEARNED I ADDITIONAL DISTRICT AND SESSIONS JUDGE, (PCR), THANJAVUR, THANJAVUR DISTRICT.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, TRICHIRAPPALLI.
- 3 THE INSPECTOR OF POLICE, MELATTUR POLICE STATION, THANJAVUR DISTRICT.



Crl.M.P.(MD) No.137 of 2025

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

+1. C.C. to R.ILAYARAJA Advocate SR.No.8680 (I) DT.11/08/2025

ORDER
IN
CRL MP(MD) No.137 of 2025
IN
CRL A(MD) No.16 of 2025
Date :11/08/2025

NS

NBF/13.08.2025/ 6P/6C

NM/13.08.2025/ 6P/5C

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