



CRL MP(MD) No. 14312 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06-08-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

CRL MP(MD) No. 14312 of 2024

in

CrI.A(MD)No.1151 of 2024

1. Sri Kalpana

W/o. Govindharaj, No. 305, 3rd Floor, 1st
Block, Alliane Orchird Springs-54 Water
Canal Road, Korattur R.S, Thiruvallur.

Petitioner(s)

Vs

1. The State of Tamilnadu

Rep. by The Inspector of Police, T-3,
Korattur Police Station, Chennai. (Crime
No. 1187/2014)

Respondent(s)

Prayer: This petition is filed under Section 430 of BNSS, praying to enlarge the petitioner on bail by suspending the sentence imposed by the learned Principal Sessions Judge, Madurai, in S.C.No.348 of 2015 vide judgment dated 19.11.2024 pending the disposal of the main appeal.

For Petitioner(s): Anand R.
Saravanan. P
Kannan .R

For Respondent(s): Mr.B.Nambi Selvan
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/A1 by the learned Principal Sessions Judge, Madurai, vide Judgment dated 19.11.2024 in S.C.No.348 of 2015, he has filed this criminal miscellaneous petition.

2.The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
Section 302 IPC	To undergo life Imprisonment	Rs.5,000/- in default to undergo six months simple imprisonment

3.The case of the prosecution is that A1 is the President of Puthiya Bharatham Political Party of Kolathur Women Wing and she has purchased the property to an extent of 1400 sq.ft., from one Gopal in Manavalan Street for a sum of Rs.25,00,000/-. There was land dispute between her and other persons. Therefore, the petitioner introduced the deceased Kamaraj, who was a practicing advocate to look after the issue. The de-facto complainant is deceased's junior advocate. The land documents, which was purchased by the petitioner, were in custody of the



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deceased and he had not returned the said documents to A1. The deceased very often demanded money from A1 and also intimidated A1 to make her nude and also threatened to kill her husband and her son. Therefore, the deceased called A1 on 28.08.2014 asking her to have money. A1 was unable to bear the intimidation and illtreatment, she decided to kill the deceased with the help of A2 and A3. A2 is the husband of her servant's maid and A3 is A2's associate. Hence, she invited the deceased to her house at first Block in Alliance Orchid Spring Apartment, Korattur. The deceased and his junior/P.W.6 after attending the marriage function returned to A1's house. The deceased parked his car outside the apartment and went to A1's house Door No.305 situated at 3rd floor, leaving his junior/P.W.6 in his car. Soon after the deceased entered into A1's house, A1 to A3 with common intention to kill the deceased, A1 pulled the mat/M.O.3 on which the deceased stood, thereby he fell down, A2 sat over his chest, closed his nose and mouth, A3 caught hold his two hands and A1 tightened his two legs thereby they have executed the common intention. Immediately the deceased fell unconscious and thereafter died.

4.The learned counsel appearing for the petitioner would submit that it is a case of circumstantial evidence, though the petitioner was tried along with two other accused, the trial Court had acquitted the other two accused. The prosecution



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evidence relating to the cause of death is not clear. As per P.W.17, he had admitted that the deceased has already having heart disease and that there was a white substance on the right upper part of the heart and that there was also a bleeding in the heart. He would further submit that as per P.W.6, the petitioner is the person, who had taken the deceased along with her to three various hospitals nearby to revive him and that would show that the petitioner did not have any intention to commit the murder of the deceased. The petitioner is in custody from 19.11.2024

5.The learned Additional Public Prosecutor appearing for the respondent - Police vehemently opposed that the death of the deceased had happened inside the house of the petitioner and if there was some injuries on the body of the deceased, the petitioner is liable to explain those injuries. He further submitted that the incident had taken place in the year 2014 and the trial was able to be completed only in the year 2024.

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

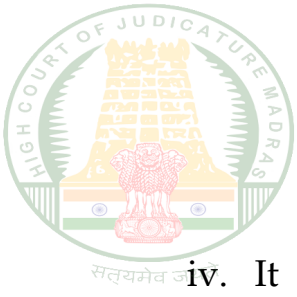


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delve deep into the evidence at this stage. Having gone through the records and
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taking into consideration the facts and circumstances of the case, we are of the
opinion that it is a fit case for grant of interim 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 Judicial
Magistrate No.I, Madurai.
- ii. The sureties shall affix their photographs and Left Thumb Impression
in the surety bond and the concerned Court may obtain a copy of
their Aadhar card or Bank passbook to ensure their identity.
- iii. The petitioner shall stay at Madurai and report before the learned
Sessions Judge, Madurai on first working day of every month 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/-
06/08/2025

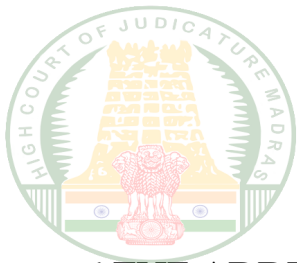
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11/08/2025
Sub-Assistant Registrar
()
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1.THE SESSIONS JUDGE, MADURAI.
- 2.THE JUDICIAL MAGISTRATE NO.I,MADURAI.
- 3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 4.THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN, CENTRAL PRISON,
MADURAI.
- 5.THE INSPECTOR OF POLICE,
T-3,KORATTUR POLICE STATION,
CHENNAI.



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

+1 CC to M/s.R.ANAND, Advocate (SR-8473[I] dated 06/08/2025)

ORDER
IN
CRL MP(MD) No.14312 of 2024
Date :06/08/2025

SBN/11.08.2025 7P/8C

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