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CRL MP No. 4577 of 2



Crl.A.No.75 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-04-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No.4577 of 2026

in

Crl.A.No.75 of 2026

Sasikala Muthuselvan @ Sasikala
W/o.Sathiyaraj,
Maariyamman Kovil Street,
Jambothi Village,
Gingee Taluk,
Villupuram District.

..Petitioner/Appellant/
A2

Vs

State Rep. By
The Inspector of Police,
Gingee Police Station,
Villupuram District.
Cr.No.168/2023.

...Respondent/
Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, 2023, to suspend the sentence imposed on the petitioner/appellant in SC.No.1 of 2025 dated 10.11.2025 on the file of I Additional District and Sessions Judge, Tindivanam, Villupuram District and enlarge the petitioner on bail pending disposal of the above said Criminal Appeal No.75 of 2026.



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Crl.A.No.75 of 2026

For Petitioner :

Mr.R.Thamaraiselvan
for Mr.T.Mahavishnu

For Respondent :

Mr.S.Raja Kumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by SUNDER MOHAN J.)

The petitioner arrayed as A2 in S.C.No.1 of 2025 on the file of the learned I Additional District and Sessions Judge, Tindivanam, Villupuram District, has sought for suspension of life sentence, imposed on her for the offences under Sections 120(B) r/w 302 of the Indian Penal Code, 1860, and the sentence of 10 years imposed for the offences under Sections 307, and 364 of the Indian Penal Code, 1860 (hereinafter referred to as “*the IPC*”)

2. Challenging the above conviction and sentence, the petitioner, who has been arrayed as A2, has filed this appeal and seeks suspension of sentence and bail in the present miscellaneous petition.

3. It is the case of the prosecution that the victim was the husband of the petitioner/A2; that the petitioner had an illicit affair with the first accused; that both of them entered into a conspiracy to cause the death of the victim; that in pursuance of the conspiracy on 22.03.2023 at about 8.00 p.m., the petitioner and the first accused abducted the victim and brought him to a river bridge and



attacked the victim with knives; and that the victim sustained grievous injuries and survived the attack.

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4. Mr. R. Thamraiselvan, the learned counsel for the petitioner/A2, submitted that this Court, by an order dated 27.02.2026 in Crl.M.P.No.24898 of 2025 in Crl.A.No.1969 of 2025, had suspended the sentence imposed on A1; that the petitioner/A2 is similarly placed; that the prosecution had suppressed the earliest complaint; that there is a delay in the lodging of the complaint and registration of FIR; that the victim himself had stated before the doctor, who had treated him, that he was attacked by an unknown person, which is contrary to the prosecution case; that since the petitioner has made out a *prima facie* case, the sentence imposed on her may be suspended.

5. Mr. S. Raja Kumar, the learned Additional Public Prosecutor, however, submitted that the petitioner/A2 was also involved in the act of attacking the victim; that the evidence of the victim, who was examined as P.W.2, has not been discredited in any manner; that the fact that the sentence imposed on A1 had been suspended would not enure to the benefit of the petitioner, and prayed for dismissal of this petition.



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6. Though the sentence imposed on A1 was suspended by our predecessor Bench vide order dated 27.02.2026 in Crl.M.P.No.24898 of 2025 in Crl.A.No.1969 of 2025, we propose to give our own reasons for suspending the sentence insofar as the petitioner/A2 is concerned.

7. The alleged occurrence is said to have taken place on 22.03.2023 between 7.30 and 8.00 p.m. P.W.1 is the father of the victim/P.W.2 and the *de-facto* complainant. He deposed that he was unaware of the contents of the complaint, [Ex.P1], which was lodged at 5.00 a.m. on the next day, i.e., on 23.03.2023. He also would admit that he did not lodge any complaint at 5.00 a.m., as projected by the prosecution. Moreover, the delay in the registration of the complaint has not been properly explained.

8. P.W.2, the victim himself, would state that he had given a written complaint to the police on the same day immediately after the occurrence. However, the prosecution had not registered any FIR on his complaint. *Prima facie*, it appears that the earliest complaint has been suppressed. Further, we find that in the Accident Register, Ex.P3, the doctor, P.W.6, had noted that the victim stated to her that he was attacked by an unknown person on 23.03.2023 at 8.00 p.m. The first accused was known to him. Further, the



version before the doctor was that an unknown person attacked him which is opposed to the prosecution case that two persons were involved in the occurrence.

9. That apart, we find that though the charge is under Section 120(B) r/w 302 of the IPC and the accused were found guilty of the said charge, the imposition of life sentence is totally against law. Since the victim survived the attack, the trial Court found A1 and the petitioner guilty of the offence under Section 307 of IPC. The punishment for the offence of conspiracy, where no express provision is provided for the punishment, is the same as if the offender had abetted such offence. Section 115 of IPC, deals with punishment for abetment of an offence, if the offence abetted has not been committed. The said provision provides for imposition of a fixed sentence of imprisonment.

10. As stated above, the petitioner has been sentenced to a fixed period of imprisonment for the offences under Sections 307 and 364 of the IPC. The petitioner ought to have been sentenced to a fixed period of imprisonment even for the offence under Section 120-B r/w 302 IPC. Therefore, we are inclined to suspend the sentence not only because of that reason but also because the petitioner has made out a *prima facie* case for suspension of sentence, as discussed above. Further, the appeal is not likely to be taken up in the near



future. Hence, this Criminal Miscellaneous Petition stands allowed and the sentence of imprisonment is suspended on the following conditions:

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- (i) The petitioner shall execute a bond for a sum of Rs.25,000/- with two sureties, of whom, one should be a blood relative, for a like sum to the satisfaction of the learned I Additional District and Sessions Judge, Tindivanam, Villupuram District;*
- (ii) The petitioner and 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 Pass Book and mobile number 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 the disposal of the appeal and if she is not able to appear before the trial Court on any day, she shall make arrangements to file an application under Section 317 Cr.P.C and shall appear before the trial Court on any other day in lieu of the date of her absence, as directed by the trial Court.*

(A.S.M.,J.) (S.M.,J.)
22-04-2026

dk

Note : Issue order copy by 24.04.2026.



To

1. The I Additional District and Sessions Judge,
Tindivanam, Villupuram District.

2. The Inspector of Police
Gingee Police Station,
Villupuram District.

3. The Superintendent of Central Prison,
Cuddalore.

4. The Public Prosecutor,
High Court of Madras.

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CrI.A.No.75 of 2026

**DR.ANITA SUMANTH, J.
AND
SUNDER MOHAN, J.**

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in
CrI.A.No.75 of 2026

22-04-2026



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Crl.M.P. No.4577 of 2026
and Crl.A.No.75 of 2026

Dr. ANITA SUMANTH, J.
and
SUNDER MOHAN, J.

(Order of the Court was made by
Dr. ANITA SUMANTH, J.)

Today the matter is listed in a special list under the caption 'for being mentioned' as there is a typographical error in the name of the Jail in copy to address (in Serial No.3), which will now read as follows:

*'3.The Superintendent of Women
Prison, Vellore.'*

2. Barring the aforesaid, order dated 22.04.2026 remains unaltered.

[A.S.M, J.] [S.M, J.]
27.04.2026

vs

Note: Registry is directed to carry out the necessary correction and issue order copy afresh today.