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CRL MP No. 5245 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 5245 of 2026

AND

CRL A NO. 55 OF 2026

Ravi
S/o.Arumugam,
Mettupathi, 10th Ward,
Karuppur, Omalur Taluk,
Salem District.

..Petitioner(s)

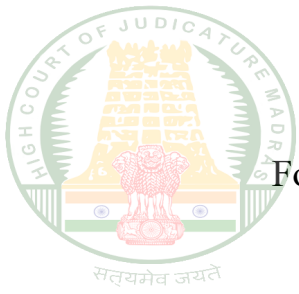
Vs

The State rep. by The Inspector of Police,
Sooramangalam Police Station,
Salem District.
Crime No.1121 of 2018

..Respondent(s)

Prayer : Petition filed u/s 430 (1) of BNSS Act to suspension of sentence imposed in the Judgment dated 19.12.2025 passed in SC.No.14 of 2020 by the Learned II Additional District and Sessions Judge at Salem and enlarge the petitioner on bail, pending disposal of the above appeal No.55/2026 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner(s): MR.V.Parthiban
 for Mr.T.Arul



For Respondent(s): Mr. C.R. Malarvannan,
Counsel for Government of Tamil Nadu
(Criminal Side)

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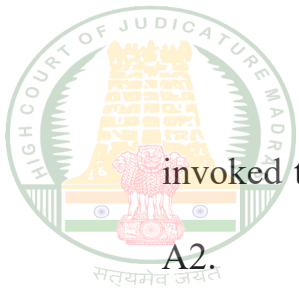
ORDER

(Order of the Court was made by Dr.Anita Sumanth J.)

The petitioner was first accused in Sessions Case No.14 of 2020 wherein one Iswariya was arrayed as second accused. Both accused have been found to be guilty of murder of one Selvakumar, the husband of A2. The Trial Court, vide its judgment dated 19.12.2025 has confirmed the charges of guilt under sections 449, 302, 302 r/w 201 of IPC qua A1, i.e., the petitioner herein. The 2nd accused does not appear to have even filed an appeal as against the aforesaid judgement as on date.

2. The Prosecution has alleged that A2 disliked her husband as he had been afflicted by Polio leading to marital discord between the two of them. This led to both accused being involved in an intimate relationship on account of which they conspired to do away with the deceased.

3. Thus according to the prosecution, on 10.11.2018 when the deceased was in his house, A2 let A1 into the house, and A1 and A2 together beat the deceased dead. Since the murder had been committed at around 12.45 p.m., the two of them waited till the night to dispose the body. In the interim, they had cleared the house of all evidence of the murder, and as night fell, disposed the body in an unused well in the vicinity belonging to one Parvathi. They have also



invoked the last-seen theory alleging that the deceased had last been seen with

A2.

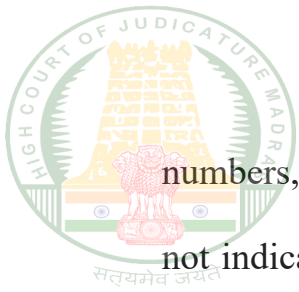
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4. The defence put up by the petitioner is that there is not even a scrap of evidence, let alone material evidence, to support the story of the prosecution. The entirety of their case rested on circumstantial evidence only and there are many omissions and lapses in the version of the prosecution.

5. We have heard both learned counsel. The case of the prosecution rests on two grounds, that the accused had the motive to do away with the deceased as they were in an intimate relationship and secondly, that A2 had been seen with the deceased prior to his demise, after which, A1 and A2 had been seen together.

6. On the question of motive, we do not, prima facie, find that any evidence, let alone credible evidence has been produced by the prosecution. No direct evidence is available to substantiate the alleged intimacy between the accused. Even in the depositions of PW1 and PW2, being the brother and son of the deceased, they only claim knowledge about the affair from the deceased.

7. The prosecution appears to have attempted to establish the affair by production of phone records. However, even this aspect has not been established with any modicum of credibility. PW9 is the Nodal Officer of the telephone service provider. In his deposition, he refers to three telephone



numbers, viz., 8248931325, 6369314620 and 6383691152. However, he does not indicate to whom these telephone numbers belong and there is a gap in the version of the prosecution on this account.

8. Secondly, the Investigating Officer who is PW14, refers to certain call logs (both inward and outward). However, as he does not refer to the phone numbers in his deposition, one is unable to correlate to whom the three numbers belong and what the call logs reveal. The prosecution would have us believe that the call logs referred to in the deposition of the IO relate to the three mobile numbers referred to in the evidence of PW9.

9. However, such an inference would require a presumption on our part, as there is nothing to link the events. In other words, the depositions of PW9 and PW14 contain disjointed facts, and there is a glaring gap in between, that has been left unfilled. There is thus no coherent and seamless narration regarding the call logs to reveal (i) that the numbers belonged to A1 and A2, (ii) that they had been in constant touch with each other, and (iii) the frequency or duration of the calls.

10. Though the prosecution has made a tentative reference to the evidence of the employer of A1 who states that he spent a lot of time speaking on the phone, it is unknown as to who was on the other end of the phone line.



11. That apart, the last seen theory also does not, prima facie, appeal. The Prosecution bases the theory on the fact that the deceased had last been seen with A2, and thereafter A1 and A2 were seen together. Since A2 was the wife of the deceased, there is, prima facie, nothing untoward in the two being seen together. It would have been an entirely different matter had there been some other evidence to support the nature of the charges. However, seen in isolation, we are not persuaded, at least at this juncture, to accept the last seen theory.

12. In such a matter, where the conclusions of the prosecution are based entirely on circumstantial evidence, it is a settled position that the version of the prosecution must be watertight, with no missing links, leading to the unassailable conclusion that it is the accused who has committed the crime.

13. In this case, there are, prima facie, lapses in the evidence which do not support the case of the prosecution. Hence, neither the motive of the accused nor the last seen theory, have been established, and in light of the aforesaid, a prima facie case has been made out to suspend the sentence.

14. This Criminal Miscellaneous Petition is allowed and the sentence of imprisonment qua the petitioner is suspended, subject to the following conditions:

- (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, each for a like sum to the satisfaction of the learned II Additional District and Sessions Judge, Salem.

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(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 pass Book and mobile numbers to ensure their identity; and

(iii) The petitioner shall appear before the trial Court on the first working day of every week at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he 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 his absence, as directed by the trial Court.

(A.S.M.,J.) (S.M.,J.)
12-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

sl

Note to Registry: Issue Today.

To

- 1.The Inspector of Police,
Sooramangalam Police Station,
Salem District.
- 2.The Public Prosecutor,
High Court, Madras.
- 3.The learned II Additional District and Sessions Judge,
Salem.
- 4.The Superintendent of Prison,
Central Prison, Salem.



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