WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2026

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HON'BLE MR.JUSTICE B.KARTHIKEYAN

CRL.M.P.No.14539 of 2025
in
CRL.A.No.1081 of 2025
CNR:{HCMA011529452025}

Muruganandham
S/o.Manickam,
Padavettiyamman Kovil Street,
Sozhasiramani, Paramthi Velur Taluk,
Namakkal District.
(Now Confined in Central Prison-Salem)

..Petitioner(s)

Vs

The State represented by,
The Deputy Superintendent of Police,
Velur Sub Division,
Jedarpalayam Police Station,
Namakkal.
Cr.No.201/2016.

..Respondent(s)

Criminal Miscellaneous Petition filed under Section 389 Cr.P.C. and Section 430 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the petitioner by judgment dated 05.03.2025 passed in S.C.No.28 of 2017 on the file of the Sessions Court, Special Court for Trial of Cases Under SC/ST (POA) Act, Namakkal and to enlarge him on bail, pending disposal of the above criminal appeal.

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

WEB COPY

For Petitioner(s): Mr.G.Murugendran
for Ms.R.Bakiyalakshmi

For Respondent(s): Mr.C.R.Malarvannan
Additional Public Prosecutor

ORDER

(made by A.D.Jagadish Chandira, J.)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment dated 05.03.2025 passed in S.C.No.28 of 2017 on the file of the Sessions Court, Special Court for Trial of Cases Under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity "the SC/ST (PoA) Act"), Namakkal and to enlarge him on bail, pending disposal of the above criminal appeal.

2. The petitioner, who was an accused in S.C.No.28 of 2017 before the Sessions Court, Special Court for Trial of Cases Under the SC/ST (PoA) Act, Namakkal, was convicted and sentenced as follows on 05.03.2025:

S.No.	***Provision under which convicted***	***Sentence***
1	Section 498-A IPC	Three years rigorous imprisonment and fine of Rs.5,000/-, in default to undergo six months simple imprisonment.
2	Section 302 IPC	Life imprisonment and fine of Rs.10,000/-, in default to undergo six months imprisonment.
The aforesaid sentences were ordered to run concurrently.		

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

WEB COPY

3. Challenging the aforesaid conviction and sentences, the petitioner has filed Crl.A.No.1081 of 2025 along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that the deceased Suganya belongs to Scheduled Caste community and the petitioner belongs to Backward Class community; Suganya got married to the accused and they lived along with their two children; the petitioner was a drunkard and during the entire marriage life prior to 06.10.2016, the petitioner, under the influence of alcohol, tortured Suganya both physically and mentally; while so, prior to four days of the occurrence, the petitioner tortured Suganya by beating and scolding her with obscene words and demanded Rs.5,000/- as dowry; on 06.10.2016, around 8.30 p.m., when Suganya lit the iron pump stove with a matchstick for cooking, the petitioner, who was under the influence of alcohol, poured kerosene onto the stove, due to which, Suganya caught fire; Suganya was taken to hospital by her sisters; based on the statement (Ex.P1) of Suganya, a case in Crime No.201 of 2016 was registered on 07.10.2016 for the offences under Sections 294(b), 323, 498-A and 307 IPC r/w Section 4 of the Dowry Prohibition Act, 1961, r/w 3(2)

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

WEB COPY

(v) of the SC/ST (PoA) Act; Suganya was initially taken to Erode Government Hospital and then, to Bewell Hospital at Erode and thereafter, to Government Mohan Kumaramangalam Medical College Hospital, Salem; since Suganya did not respond to the treatment, she died on 10.10.2016 due to burn injuries; therefore, the case was altered to one under Sections 294(b), 323, 498-A, 302 and 304-B IPC r/w Section 4 of the Dowry Prohibition Act, 1961, r/w 3(2)(v) of the SC/ST (PoA) Act.

6. The learned counsel appearing for the petitioner submitted that the petitioner has been in custody from the date of arrest and as on date, he has almost undergone seven years of imprisonment. He further submitted that even as per the prosecution, the petitioner is said to have committed the offence in an inebriated condition during a domestic quarrel and there was no intention on the part of the petitioner to commit the murder and therefore, the case of the petitioner has a chance of falling within the Exceptions to Section 300 IPC and consequential modification of sentence. Further, he submitted that the occurrence had happened on 06.10.2016 and Suganya died after four days from the occurrence *i.e.* on 10.10.2016. He further submitted that there are discrepancies with regard to the initial statement of Suganya (Ex.P1) and dying declaration of Suganya (Exs.P19 & P26).

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

WEB COPY

7. The learned Additional Public Prosecutor appearing for the respondent/State has filed a detailed counter and by relying on the same, it is his case that the petitioner, in an inebriated condition, committed matrimonial cruelty by setting ablaze Suganya by pouring kerosene on her. He further submitted that Suganya has given dying declaration and the trial Court has, rightly taking into consideration the evidence, found the accused guilty and convicted him. Stating so, he opposed for grant of suspension of sentence and bail to the petitioner.

8. Taking into consideration the rival submissions and perusing the entire materials available on record, we are of the view that the petitioner has made out a *prima facie* case for suspending the sentence. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration for a long period. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

9. Accordingly, this criminal miscellaneous petition is allowed and the reliefs of suspension of sentence and bail are granted to the petitioner on the following conditions:

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

WEB COPY

(i) The petitioner shall execute a bond for a sum of Rs.15,000/-, with two sureties, each for a like sum, to the satisfaction of the Sessions Court, Special Court for Trial of Cases Under the SC/ST (POA) Act, Namakkal;

(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 Aadhaar card or bank pass book to ensure their identity; and

(iii) The petitioner shall appear before the Sessions Court, Special Court for Trial of Cases Under the SC/ST (PoA) Act, Namakkal, on the first working day of every English calendar month at 10.30 a.m. until further orders.

(A.D.J.C.,J.) (B.K.,J.)
30-10-2026

nsd

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

WEB COPY

To

1.The Sessions Judge,
Special Court for Trial of Cases Under the SC/ST
(PoA) Act, Namakkal.

2.The Deputy Superintendent of Police,
Velur Sub Division,
Jedarpalayam Police Station,
Namakkal.

3.The Superintendent of Prison,
Central Prison, Salem.

4.The Public Prosecutor,
Madras High Court, Chennai.

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

WEB COPY

A.D.JAGADISH CHANDIRA J.
AND
B.KARTHIKEYAN J.

nsd

CRL MP No. 14539 of 2025
in
CRL A NO. 1081 OF 2025

30-10-2026

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