



CRL MP(MD). No.1095 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 02/04/2026

CORAM

**THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
AND
THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN**

**CrI.M.P(MD). No.1095 of 2026
in
CrI.A(MD).No.716 of 2025**

Kathiravan

... Petitioner

Vs

The Inspector of Police,
Umatchikulam circle,
M.Chathirapatti Police Station,
Madurai District.
Crime No.8 of 2017.

... Respondent

PRAYER :- To suspend the sentence of imprisonment imposed on the petitioner by the learned IV Additional District cum Sessions Judge Madurai in S.C.No.349 of 2017, dated 17.03.2025 and enlarge the petitioner on bail, pending disposal of the above criminal appeal.

For Petitioner : Mr.A.Uthaya Kumar

For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

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[Order of the Court was made by N.ANAND VENKATESH, J.]

This petition has been filed seeking suspension of sentence of imprisonment imposed on the petitioner by the learned IV Additional District cum Sessions Judge, Madurai in S.C.No.349 of 2017, dated 17.03.2025, to enlarge the petitioner on bail.

2. The case of the prosecution is that one week prior to the occurrence, the deceased had attended a funeral and the deceased told the defacto complainant that he was stoned by somebody. On 04.01.2017 at about 7.30 p.m., the accused person is said to have abused the deceased and attacked each other with hands. Later, the deceased is said to have beaten the accused with slippers in front of others. With this being the motive, the accused is said to have gone to the house of the deceased and attacked him indiscriminately with M.O.1. The deceased succumbed to the injuries. Based on the complaint given, an FIR came to be registered in Crime No.8 of 2017 for the offence under Sections 294(b), 302 of IPC.



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3. The trial court, on considering the facts and circumstances and on appreciation of oral and documentary evidence, came to a conclusion that the prosecution has proved the case beyond reasonable doubts and accordingly, convicted the petitioner for the offence under Section 302 of IPC and sentenced him to undergo life imprisonment and to pay a fine of Rs.10,000/-, in default to undergo 6 months Simple Imprisonment. Aggrieved by the same, the present appeal has been filed before this Court.

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

5. The learned counsel for the petitioner, apart from raising other grounds, submitted that even if the case of the prosecution is taken as it is, it can be brought within one of the exceptions under Section 300 of IPC.

6. Per contra, the learned Additional Public Prosecutor, based on the counter filed by the respondent, submitted that there was an



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eyewitness account, based on which, the Court below had convicted and sentenced the petitioner. The learned Additional Public Prosecutor, on instructions, submitted that there are no previous cases against the petitioner except an FIR registered under Section 110 of Cr.P.C.

7. In our considered view, the case as projected by the prosecution shows that there was a previous enmity between the petitioner and the deceased and before the incident, there was a clash between the accused and the deceased and the deceased is said to have slapped the accused with slipper, which resulted in the incident. Therefore, it has to be seen if this case has to be brought within one of the exception to Section 300 of IPC. Hence, a *prima facie* case has been made out. This Court has also taken into consideration the fact that the accused had suffered incarceration from March 2025 onwards and there are no previous cases against the petitioner and it will take some more time for this Court to take up the Criminal Appeal on merits.

8. In the light of the above discussion, we are inclined to grant suspension of sentence, suspending the sentence imposed against the



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petitioner and accordingly, this petition is allowed on 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 V, Madurai.

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 identity.

iii. The petitioner shall appear and sign before the trial Court at 10.30 a.m., on the first working day of every English calender month, till the disposal of the Criminal Appeal.

[N.A.V., J.] & [K.K.R.K, J.]

02.04.2026

NCC : Yes / No

Index : Yes / No

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To.

1. The Judicial Magistrate V,
Madurai.
2. The Inspector of Police,
Umatchikulam circle,
M.Chathirapatti Police Station,
Madurai District.
3. The Central Prison,
Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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