



CRL MP(MD). No.1880 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 10/04/2026

CORAM

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

CrI.M.P(MD). No.1880 of 2026

in

CrI.A(MD).No.131 of 2026

Terance

... Petitioner

Vs

The Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District.
Crime No.266 of 2014.

... Respondent

PRAYER :- To suspend the sentence of imprisonment imposed on the petitioner by the learned I Additional District and Sessions Judge, Thoothukudi in S.C.No.164 of 2019, dated 13.06.2025, pending disposal of the main criminal appeal.

For Petitioner : Mr.A.Robinson

For Respondent : Mr.E.Antony Sahaya Prabahar
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 the sentence of imprisonment imposed on the petitioner by the learned I Additional District and Sessions Judge, Thoothukudi, in S.C.No.164 of 2019, dated 13.06.2025 and to enlarge the petitioner on bail.

2. The case of the prosecution is that the deceased was a friend of the accused persons and they were in the habit of consuming alcohol and smoking ganja. On 22.05.2014, at about 7.00 p.m., the accused persons met the deceased, who supplied ganja to them and demanded a sum of Rs.300/-. At that point of time, there was a wordy quarrel and the accused persons are said to have assaulted the deceased with an aruval and caused his death.

3. The further case of the prosecution is that an FIR came to be registered in Crime No.266 of 2014 on 07.06.2014. In the course of investigation, the accused persons gave a voluntary extra-judicial confession before P.W.9 on 09.06.2014 and the dead body was traced on



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the same day. There are totally three accused persons in this case and the petitioner has been arrayed as A1.

4. The Trial Court, on considering the facts and circumstances of the case and on appreciation of the evidence, came to the conclusion that the prosecution has proved the case beyond reasonable doubt and accordingly convicted and sentenced the petitioner as follows:

<i>Provision under which convicted</i>	<i>Sentence</i>
Sec.302 of IPC	Life Imprisonment and fine of Rs.10,000/-, in default to undergo three months Simple Imprisonment.
Sec.201 of IPC	Seven years Rigorous Imprisonment and fine of Rs.5,000/-, in default to undergo three months Simple Imprisonment.

The above sentences were ordered to run concurrently.

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



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6. The main contention urged on the side of the petitioner is that the entire case of the prosecution is based on circumstantial evidence. One of the main circumstance relied upon by the prosecution is the alleged extra-judicial confession said to have been given by the accused persons to P.W.9 on 09.06.2014 at about 4.00 p.m. However, in Ex.P.21, which is the requisition letter for post-mortem, it is clearly stated that the accused persons were available on 09.06.2014 at 8.00 a.m. in the office of the Village Administrative Officer. Even the post-mortem Doctor, who was examined as P.W.13, has stated that in the document annexed along with the requisition, it has been mentioned that the accused persons had appeared before P.W.9 on 09.06.2014 at about 8.00 a.m.

7. The next ground urged by the learned counsel for the petitioner is that the FIR is said to have been registered on 07.06.2014 in Crime No. 866 of 2014. However, at the end of the FIR, another crime number has been mentioned as Crime No.266 of 2014 and the FIR reached the Court only on 09.06.2014. It was therefore contended that the prosecution has not proved one of the main circumstance, namely, the extra-judicial confession.



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8. Taking into consideration the grounds raised by the learned counsel for the petitioner, with which this Court is *prima facie* convinced and also considering the fact that the petitioner has been undergoing the sentence from June 2025 onwards, that there are no previous cases against the petitioner and that it will take some more time for this Court to deal with the appeal on merits and further considering the fact that A2 has already been granted suspension of sentence by this Court in CrI.M.P.(MD) No. 20565 of 2025 in CrI.A.(MD) No. 1382 of 2025, by order dated 12.02.2026, we are inclined to consider this petition.

9. In the light of the above discussion, we are inclined to grant suspension of sentence, suspending the sentence imposed against the 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 I Additional District and Sessions Judge, Thoothukudi



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ii. The sureties shall affix their photographs and Left

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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.]

10.04.2026

NCC : Yes / No

Index : Yes / No

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To
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- 1.The learned I Additional District and Sessions Judge,
Thoothukudi.
- 2.The Inspector of Police,
Tiruchendur Police Station,
Thoothukudi District.
- 3.The Central Prison,
Palayamkottai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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