



CRL MP(MD). No.4116 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 30/03/2026

CORAM

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

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in

CrI.A(MD).No.264 of 2026

Karuppasamy

... Petitioner

Vs

The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District.
In Crime No.355/2022.

... Respondent

PRAYER :- To suspend the sentence of imprisonment imposed on the petitioner in the judgement and conviction and sentence passed in S.C.No.226 of 2022 on the file of the learned II Additional District and Sessions Judge, Thoothukudi, dated 09.09.2025 and enlarge the appellant on bail, pending disposal of the main appeal.

For Petitioner : B.M.Raja Mohamed
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 (A2) by the II Additional District and Sessions Judge, Thoothukudi, in S.C.No.226 of 2022, by judgment dated 09.09.2025, to enlarge the petitioner on bail.

2. The case of the prosecution is that A1 had developed previous animosity with the family members of PW1 with respect to a matrimonial dispute between the granddaughter of the deceased and the brother of A1. On 17.06.2022, at about 22:00 hours, when the deceased was proceeding near the house of one Perumal, the accused persons (A1, child in conflict and A2) attacked the deceased repeatedly with deadly weapons and inflicted stab injuries, resulting in his demise. An FIR came to be registered based on the complaint given by PW1, who is the wife of the deceased, in Crime No.355 of 2022 for offences under Sections 294(b) and 302 IPC. During the course of investigation, an alteration report was filed and the offence was altered to Section 294(b), 302 r/w



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114 IPC.

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3. The Trial Court, on considering the facts and circumstances of the case and upon appreciation of oral and documentary evidence, came to the conclusion that the prosecution had proved the case beyond reasonable doubt. The petitioner (A2) was convicted for the offence under Sections 302 r/w 114 IPC and was sentenced to undergo life imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo 6 months simple imprisonment. Aggrieved by the same, the present Criminal 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 main ground urged by the learned counsel for the appellant is that PW1 to PW3 are the main eyewitnesses relied upon by the prosecution. PW1 is the wife, PW2 is the daughter-in-law and PW3 is the son of the deceased. The learned counsel submitted that the charge faced by the petitioner is under Section 302 r/w 114 IPC and the very presence



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of the petitioner is in doubt, since PW3, who is one of the eye witnesses, has not even mentioned the name of the petitioner at the scene of occurrence. The learned counsel further submitted that the evidence of PW3 runs contrary to the evidence of PW1 and PW2 insofar as the overt act attributed to the petitioner is concerned.

6. Per contra, the learned Additional Public Prosecutor submitted that the Trial Court had taken into consideration the cogent evidence tendered by PW1 to PW3 and came to the conclusion that it was the accused persons, who had attacked the deceased and caused his death. The learned Additional Public Prosecutor further submitted that one of the accused person was tried before the Juvenile Justice Board, since he was a child in conflict and only two accused persons faced trial, wherein the petitioner was arrayed as A2. The learned Additional Public Prosecutor, on instructions, submitted that there are no previous cases against the petitioner.

7. Considering the grounds raised by the learned counsel for the appellant, by pointing out the evidence of PW3, *qua* the evidence of PW1



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and PW2 and taking note of the fact that the petitioner has been charged under Sections 302 r/w114 IPC and that the very presence of the petitioner at the scene of crime has been put to question, this Court has to necessarily go into the issue in detail. A *prima facie* case has been made out. The petitioner has been undergoing sentence from 09.09.2025 and there are no previous cases against him and it will take some more time for this Court to hear the appeal on merits. Hence, this Court is inclined to grant suspension of sentence, suspending the sentence imposed on the petitioner and accordingly, this petition is allowed subject to 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 II Additional District and Sessions Judge, Thoothukudi.

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



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their identity.

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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.]

30.03.2026

NCC : Yes / No

Index : Yes / No

Indu

To.

1. The II Additional District and Sessions Court,
Thoothukudi.
2. The Inspector of Police,
Thoothukudi North 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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AND
K.K.RAMAKRISHNAN, J.

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