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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN  
AND  
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**CRL.MP(MD) No. 4698 of 2026  
in  
Crl.A(MD)No.553 of 2025**

M.Somasundaram

..... Petitioner

Vs.

State rep. by  
The Revenue Divisional Officer,  
Thoothukudi,  
Thoothukudi District.  
(Crime No.127 of 2015)

..... Respondent

Prayer : Petition filed under Section 430(1) of BNSS to suspend the sentence in S.C.No.223 of 2026 dated 05.04.2025 on the file of the I Additional District and Sessions Court, Thoothukudi pending disposal of the above Criminal Appeal.

For Petitioner : Mr.RGandhi,  
Senior Counsel,  
for Mr.S.Santhosh



For Respondent : Mr.R.Meenakshi Sundaram,  
Additional Public Prosecutor  
Mr.L.Shaji Chellan  
to assist the learned Additional  
Public Prosecutor

**ORDER**

**[Order of the Court was made by G.K.ILANTHIRAIYAN, J.]**

Seeking to suspend the sentence imposed on the petitioner by the I Additional District and Sessions Court, Thothukudi, *vide* Judgment dated 05.04.2025 in S.C.No.223 of 2026, the present Criminal Miscellaneous Petition has been filed.

2. The petitioner stands convicted and sentenced as under:

| Section of Law | Sentence of imprisonment | Fine amount                                                   |
|----------------|--------------------------|---------------------------------------------------------------|
| 302 of IPC     | Life Imprisonment        | Rs.10,000/- i/d to undergo three months Rigorous imprisonment |

3.The learned Senior Counsel appearing for the petitioner would submit that there is a change in circumstances and that the petitioner has filed a second application seeking suspension of sentence. It is further



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submitted that Accused No.11, who stands on the same footing as the petitioner (arrayed as A1), had earlier filed an application for suspension of sentence before this Court, which came to be dismissed. Aggrieved by the same, he preferred a Special Leave Petition in S.L.P. No.15596 of 2025 before the Hon'ble Supreme Court, and the same was allowed by order dated 27.11.2025. The relevant portions of the said order are extracted hereunder:

*“14. Prima facie, we are of the view that the oral evidence of the PW 4 and the PW 5 respectively is in direct conflict on material aspects with the evidence of the PW 2. Of course, this is a prima facie observation and all relevant aspects would be looked into by the High Court while hearing the Criminal Appeal. Any further observation on merits may perhaps cause prejudice to either side.*

*15. We take notice of the fact that the conviction of the appellant is substantially based on the oral testimony of PW 2, the wife of the deceased.*

*16. The law is well settled. Conviction can be based on the evidence of a solitary eye-witness provided it is found to be wholly reliable. If it is*



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*found to be wholly unreliable, then there is no problem in discarding the entire evidence. There could be a third category wherein the Court may find the evidence of a solitary eye-witness is neither wholly reliable nor wholly unreliable and in such a situation, the Court must insist for corroboration in material particulars. We tried exactly to do the same thing by cursorily looking into the evidence of the PW 4 and the PW 5 respectively. Prima facie, the oral evidence does not inspire confidence.”*

4. In view of the above, the petitioner has made out a prima facie case and we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioner.

5. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner herein is suspended, 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)



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with two sureties, each for a like sum to the satisfaction of the I  
Additional District and Sessions Court, Thothukudi.

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.

**[G.K.I., J.] & [N.S., J.]**  
**27.02.2026**

NCC : Yes / No  
Index : Yes / No  
TSG  
Copy to

1. The I Additional District and Sessions Court, Thoothukudi.
2. The Revenue Divisional Officer,  
Thoothukudi,  
Thoothukudi District.
3. The Additional Public Prosecutor  
Madurai Bench of Madras High Court,



Madurai.

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**G.K.ILANTHIRAIYAN, J.**  
**AND**  
**N.SENTHILKUMAR, J.**



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**CrI.M.P.(MD).No.4698 of 2026**

**in**

**CrI.A.(MD).No.553 of 2025**

**N.ANAND VENKATESH.J.,**

**AND**

**P.DHANABAL.J.,**

Today, the matter is listed under the caption “For Being Mentioned” at the instance of the learned counsel appearing for the petitioner.

2. The learned counsel appearing for the petitioner would submit that there is a typographical error in the order passed by this Court dated 27.02.2026 .

3. Accepting the submissions made by the learned counsel for the petitioner, the reference to Crime No.127 of 2015 in the cause title stands deleted. Further, in the prayer portion and in the first paragraph of the order, the case number is corrected from S.C.No.223 of 2026 to S.C.No. 223 of 2006.

**N.ANAND VENKATESH.J.,**



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**AND**

**P.DHANABAL.J.,**

4. Registry is directed to carry out the necessary corrections and issue fresh order copy to the parties concerned forthwith.

[N.A.V.,J.]

[P.D.B.,J.]

02.03.2026

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**in**

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