



*Crl.M.P.(MD)No.5115 of 2026*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

**DATED: 18.03.2026**

**CORAM**

**THE HONOURABLE MRS JUSTICE L.VICTORIA GOWRI**

**CRL MP(MD) NO. 5115 of 2026**

**IN**

**CRL RC(MD) NO. 421 of 2026**

1. Karuppaiah

2. Eswaran

... Petitioners

Vs.

The State of Tamilnadu,  
Rep. by the Sub-Inspector of Police,  
Nathampatti Police Station,  
Virudhunagar District.  
(Crime No.85/2016)

... Respondent

**Prayer :** This Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C., (U/s. 438(i) of BNSS) to suspend the execution of sentence in Criminal Appeal No.72 of 2022 dated 21.01.2026 on the file of the learned Additional District and Sessions Judge, Srivilliputhur, Virudhunagar District, confirming the judgment in CC.No.130 of 2016 on the file of the learned Judicial Magistrate No.1, Srivilliputhur, Virudhunagar District dated 07.06.2022.



*Crl.M.P.(MD)No.5115 of 2026*

For Petitioner : Mr.S.Maya perumal

For Respondent : Mr.M.Sakthi Kumar,  
Government Advocate

**ORDER**

Today the matter came up for hearing under the caption “for being mentioned”.

2. Paragraph Nos.4 to 7in the order dated 05.03.2026 made in Crl.M.P. (MD)No.5115 of 2026 in Crl.RC(MD)No.421 of 2026, shall be substituted by the following:

*4. The learned counsel for the petitioners submitted that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses. He further submitted that the 1<sup>st</sup> petitioner is a senior citizen.*

*5. The learned Government Advocate (Crl. side) Mr.M.Shakthi Kumar submitted that during the pendency of this case, for the same motive PW-1's son was murdered by the second accused, and hence the sentence may not be suspended.*



*Crl.M.P.(MD)No.5115 of 2026*

*6. Considering the fact that the second petitioner had conducted himself to wreck vengeance as against PW-I's son, the second petitioner is directed to surrender before the learned Trial Court. However, the substantive sentence of imprisonment is suspended as against the 1<sup>st</sup> petitioner alone.*

*7. Hence, this petition is partly allowed and the substantive sentence of imprisonment alone is suspended as against the 1<sup>st</sup> petitioner pending disposal of the revision with the following directions :*

*(i) The 1<sup>st</sup> petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Srivilliputhur;*

*(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 Pass Book to ensure their identity; and*

*(iii) The 1<sup>st</sup> petitioner shall appear before the learned Judicial Magistrate No.1, Srivilliputhur, on all working days at 10.30 a.m., until further orders.*

**18.03.2026**



*Crl.M.P.(MD)No.5115 of 2026*

Sml

***Note: Issue order copy on 24.03.2026.***

To

The Judicial Magistrate No.I,  
Srivilliputhur.



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*Crl.M.P.(MD)No.5115 of 2026*

**L.VICTORIA GOWRI, J.,**

Sml

**Crl. MP(MD)No.5115 of 2026**  
**in**  
**CRL RC(MD)No.421 of 2026**

**18.03.2026**