



CRL MP(MD). No.5666 OF 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06.04.2026

CORAM

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

THE HONOURABLE MR JUSTICE K.K. RAMAKRISHNAN

**CRL MP(MD). Nos.5666 of 2026
in
Crl.A(MD).No.1266 of 2025**

Jegatheesh

... Petitioner

Vs

State of Tamilnadu
Rep by Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
Crime No.169 of 2017.

... Respondent

PRAYER :- To Suspend the Sentence of Imprisonment imposed on the petitioners in the Judgment and conviction delivered by the I Additional Sessions Judge, Tirunelveli in S.C.No.557 of 2018 vide judgment dated 11.11.2025 and enlarge the petitioner on bail.

For Petitioner : Mr. P.Samuel Gunasingh

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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ORDER

(Order of the Court was made by the Hon'ble N.Anand Venkatesh J.)

This petition has been filed by the accused seeking suspension of substantive sentence of imprisonment imposed in S.C.No.557 of 2018 dated 11.11.2025 on the file of the learned I Additional Sessions Judge, Tirunelveli.

2. The case of the prosecution is that the deceased is son of PW1. A1 is the son of A5; A4 is the daughter of A5; A2 is the sister's son and A3 is son-in-law of A5; A6 and A7 are brothers. The deceased married A4 in the year 2016. There was some matrimonial dispute as a result of which the deceased was willing to return back the gold jewels and articles to A4. It is alleged that the deceased refused to give back the gold ornaments and articles and therefore there was a previous enmity. On 17.07.2017 at about 15:00 hours, A1, A3, A4 and A5 along with another person went to the house of the deceased and demanded the return of gold ornaments belonging to A4. On the same day at about 16:00 hours, when the deceased was inside the house of PW1, PW2 and PW6 were sitting outside the house, A1 to A5 are said to have come to that house



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and A1 and A2 attacked the deceased with bill hook resulting in serious injuries and the deceased succumbed to the injuries. PW1 gave a complaint in this regard which was registered in Crime No.169 of 2017 for offences under Sections 120(b), 148, 149, 449, 302 of IPC. There are totally seven accused persons in this case and the trial court acquitted A6 and A7 from all charges and convicted the other accused persons and sentenced them. The petitioner was arrayed as A2. A2 was convicted and sentenced in the following manner:

<i>Provision</i>	<i>Sentence</i>
Sec. 148 of IPC	3 years simple imprisonment and fine of Rs.2,000/-, in default to undergo one month simple imprisonment
Sec. 449 of IPC	9 years simple imprisonment and fine of Rs.5,000/-, in default to undergo one year simple imprisonment
Sec. 302 of IPC	Life Imprisonment and fine of Rs.10,000/-, in default to undergo one year simple imprisonment

The above sentences were directed to run concurrently.

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



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4. The main ground that was urged by the learned counsel for the petitioner is that PW1 is known to A2 and in spite of the same, at the time of giving the complaint, the name of A2 does not find place in the complaint. That apart, even during the inquest, the name of A2 was not specifically mentioned to the investigating officer. The learned counsel further submitted that PW6 was examined as an eyewitness and PW6 turned hostile. However, PW2 who is the wife of PW6 has specifically stated that PW6 was not in the scene of crime. Therefore, the only eyewitness account that can be relied upon in the present case is that of PW1 and PW2. The learned counsel further submitted that there was a prior complaint based on which the police came to the scene of crime and only later the name of the petitioner (A2) was added in this case.

5. The learned Additional Public Prosecutor submitted that the eyewitness account of PW1 and PW2 specifically deals with the overtact attributed against the petitioner. He further submitted that the incident had taken place inside the house of PW2 and therefore, there is no reason to disbelieve the evidence of PW1 and PW2. The learned Additional



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Public Prosecutor, on instructions, submitted that there are no previous case against the petitioner.

6. This Court has carefully considered the submissions made on either side and the materials available on record.

7. The main issue that has to be considered in the present appeal is regarding the involvement of the petitioner in this case. AS pointed out by the learned counsel for the petitioner, the name of the petitioner is absent in the complaint even though it is stated that PW1 knows the petitioner and his name. Hence, a *prima facie* case has been made out and it will take some more time for this Court to deal with the appeal on merits. This Court also takes into consideration that there are no previous cases against the petitioner.

8. In view of the same, we are inclined to suspend the sentence imposed on the petitioner and accordingly, this Criminal Miscellaneous Petition is allowed, subject to the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, for a like sum to the satisfaction of the



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learned I Additional Sessions Judge, Tirunelveli;

(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 petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. pending disposal of the criminal appeal.

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

06.04.2026

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To

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1. The I Additional Sessions Judge, Tirunelveli
2. The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
3. The Superintendent of Prisons, Central Prison, Palayamkottai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.
and
K.K. RAMAKRISHNAN,J.

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