



CRL MP(MD). No.5956 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 20.04.2026

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.80 of 2026

1. Raja @ Chikkanampatti Raja
S/o.Kalayadevar
Chinnalapatti
Dindigul District. (Now confining as convict prisoner at Central Prison
Trichy)

Petitioner(s)

Vs

1. State Of Tamilnadu Rep By Inspector Of Police, Chinnalapatti
Police Station

Dindigul District.
(Crime No.125/2021)

Respondent(s)

For Petitioner(s): Dr.R.ALAGUMANI

For Respondent(s): Mr.E.Antony Sahaya Prabahar
Addl. Public Prosecutor

Prayer:C-60.To suspend the sentence and release petitioner on bail pending disposal of this criminal appeal before this Honble Court as against the judgment in SC.No.159/2021 by the Additional District and Sessions Court, Dindigul (Full Additional In Charge).



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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 by the accused person seeking suspension of substantive sentence of imprisonment imposed on him in S.C. No. 159 of 2021 dated 05.04.2025 on the file of the Additional District and Sessions Court, Dindigul (Full Additional in-charge).

2. The case of the prosecution is that A1 insisted the deceased to execute a sale deed in respect of a house that stands in the name of the mother of the deceased in his favour. The deceased is said to have refused the said demand and hence, there was previous enmity. On 16.04.2021, all the accused persons entered into a conspiracy to eliminate the deceased and pursuant to the same on 17.04.2021, at about 6.00 a.m, A1 and A2 are said to have forcibly taken away the deceased in a two wheeler to the place of occurrence and A3 to A5 were also present there. All the accused persons assaulted the deceased and pushed him to the ground. A4 caught hold of the legs of the deceased and A3 held his hands. A1 is said to have attacked the deceased in his neck with a knife; A2 attacked in the face of the deceased with a knife. Thereafter all the accused persons dumped the dead body into a Well by tying stones to the



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body. This incident is said to have been witnessed by PW1, who is the wife of the deceased.

3. Based on her complaint given to PW17, an FIR came to be registered in Crime No.125/2021 for offences under Sections 302 and 506(II) IPC.

4. There were totally six accused persons in this case. A3 died and hence, the charges abated. A5 and A6 were acquitted. A1, A2 and A4 alone were convicted and sentenced. A1 and A6 are husband and wife. A2, A3 and A5 are their sons and A4 is the son in law of A1 and A6. The present petitioner is ranked as A1.

5. The trial Court, on considering the facts and circumstances of the case and on appreciation of evidence, came to the conclusion that the prosecution has proved the case beyond reasonable doubts and accordingly convicted and sentenced the accused person in the following manner:

<i>Sl.No</i>	<i>Penal provisions IPC</i>	<i>Rank of the accused</i>	<i>Sentence to undergo</i>
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302

A1

Life imprisonment and to pay a fine of Rs.50,000/- in default to undergo one year simple imprisonment

Aggrieved by the same, the present appeal has been filed before this Court.

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

6. The learned counsel for the appellant submitted that the prosecution had heavily relied upon the eyewitness account of PW1 and to an extent the evidence of PW2 and PW3. The learned counsel submitted that admittedly the incident is said to have taken place around 6.30 a.m., but, however, a complaint came to be given to PW17 only at 10.30 a.m. and the express FIR reached the Court only at 4.40 p.m., after the postmortem was conducted. It is further submitted that there is absolutely no explanation as to what happened between 6.30 am and 10.30 a.m. If at all PW1 to PW3 were aware of the commission of the offences. Hence, it was contended that eyewitness account is totally unbelievable.



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7. Per contra, the learned Additional Public Prosecutor submitted that the Court below had taken into consideration the evidence of PW1 to PW3 to convict and sentence the petitioner. He further submitted that there are previous cases against the petitioner, but, however, the petitioner has either been discharged or acquitted from those cases.

8. Taking into consideration the facts and circumstances of the case and considering the ground that has been raised on the side of the appellant and taking note of the fact that the petitioner has been acquitted/discharged from previous cases and the petitioner has undergone sentence in this case from April 2025 and it will take some more time for this Court to deal with the appeal on merits, this court is inclined to suspend the substantive sentence of imprisonment alone pending appeal.

9. Accordingly, these 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 Additional District and Sessions Court, (Full Additional in-Charge),



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Dindigul;

(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.]

20.04.2026

RR

To

1. The Additional District and Sessions Court,
(Full Additional in-Charge), Dindigul;

2. The Inspector of Police,
Chinnalapatti Police Station,
Dindigul District.

3. The Superintendent of Prisons, Central Prison, Trichy.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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