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CRL MP(MD) NO. 6927 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23-06-2026**

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

AND

THE HONOURABLE MR JUSTICE K.K. RAMAKRISHNAN

CRL MP(MD) No. 6927 of 2026 in CRL.A(MD).No.1106 of 2025

1.Muthukumaran

2.Kumar @ Muthukumar

Petitioner(s)

Vs

State of Tamil Nadu,
Rep By Inspector of Police,
Thisayanvilai Police Station
Tisaiyanvilai
Tirunelveli District.

Respondent(s)

For Petitioner(s):

Mr.K.Raghul Priyan

For Respondent(s):

Mr.C.Christopher, Counsel for the State of Tamil Nadu
(Criminal Side)



Prayer:

To suspend the sentence passed in S.C. No. 197 of 2022 dated 23.07.2025 on the file of the IV Additional District and Sessions Court, Tirunelveli pending disposal of the above said Criminal Appeal.

ORDER

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

This petition has been filed to suspend the sentence imposed on the petitioners in S.C. No. 197 of 2022 dated 23.07.2025 on the file of the IV Additional District and Sessions Court, Tirunelveli pending disposal of the above said Criminal Appeal.

2. The case of the prosecution is that on 02.11.2015 at about 20.30 hours, the petitioners (Accused Nos.1 and 2) trespassed into the house of the deceased and attacked him with deadly weapons, resulting in the deceased sustaining grievous injuries and he died on the spot. Based on the same, an FIR came to be registered in Crime No.287 of 2015.

2. The trial Court, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a



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conclusion that the prosecution has proved the case beyond reasonable doubts and accordingly, convicted the petitioners in the following manner:

Rank	Offence	Sentence
Accused No.1	449 IPC	One year simple imprisonment and to pay a fine of Rs.1,000/- in-default to undergo one month simple imprisonment
	302 IPC	Life Imprisonment and to pay a fine of Rs.4,000/- in-default to undergo two months simple imprisonment
Accused No.2	302 IPC	Life Imprisonment and to pay a fine of Rs.4,000/- in-default to undergo two months simple imprisonment

The above sentences were ordered to be run concurrently.

3. The learned counsel appearing for the petitioners submitted that P.W.2, who is the mother of the deceased, is the only eye-witness based on whose evidence, the trial Court has convicted the petitioners. The learned counsel submitted that the very presence of P.W.2 in the scene of



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crime is doubtful and to substantiate the same, the learned counsel pointed out the evidence of P.W.1 and P.W.3.

4. Per contra, the learned counsel for the State of Tamil Nadu (Criminal Side) relying upon the counter-affidavit filed by the respondent submitted that the evidence of P.W.2 clearly points out to the manner in which the incident had taken place and the trial Court has properly appreciated the evidence and convicted and sentenced the petitioners. The learned counsel submitted that as on date, there are no pending cases against the petitioners.

5. Taking into consideration the facts and circumstances of the case and considering the fact that the evidence of P.W.2 has been questioned on the ground that her very presence in the scene of crime is doubtful and also taking note of the fact that the petitioners have suffered incarceration from April 2025 and there are no previous cases against the petitioners and there are arguable points in this appeal and it will take some more time for this Court to hear the appeal on merits, this Court is



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inclined to suspend the sentence imposed on the petitioners and accordingly, the Criminal Miscellaneous Petition is allowed, subject to the following conditions:

i. The petitioners are directed to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties, each for a like sum to the satisfaction of the learned IV Additional District and Sessions Judge, Tirunelveli.

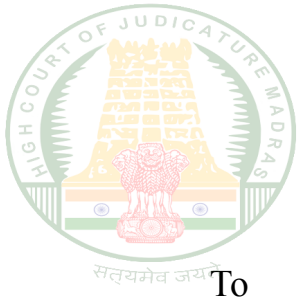
ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.

iii. The petitioners 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.ANAND VENKATESH J.) (K.K.RAMAKRISHNAN J.)
23-06-2026

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- To
1. The IV Additional District and Sessions Court, Tirunelveli.
 2. The Inspector of Police, Thisayanvilai Police Station
Tisaiyanvilai, Tirunelveli District.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.