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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03-11-2026

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

AND

THE HON'BLE MR.JUSTICE N.GUNASEKARAN

CRL MP(MD) No. 9552 of 2026

in

Crl.A(MD) No.531 of 2026

CNR:{HCMD010495932026}

Chinnathambi @ Solaimalaikon
S/o.Mavuli @ Chinnakaruppakon,
Alagapuri,
Kidaripatty,
Melur Taluk,
Madurai District.

..Petitioner(s)

Vs

The State Of Tamilnadu Rep By
The Inspector Of Police,
Melavalavu Police Station,
Madurai District.
(In Crime No.143 of 2019)

..Respondent(s)

PRAYER: C-60. To pass an order to suspend the sentence imposed on me in the Judgement passed in S.C.No.463 of 2020 dated 10.12.2024 the Court of V Additional District Judge, Madurai and enlarge petitioner on bail pending disposal of the above Criminal Appeal

For Petitioner(s) :M/s P.Murugesan

For Respondent(s) :M/s.C.Christopher
Additional Public Prosecutor

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ORDER

(Order of the Court was made by M. NIRMAL KUMAR J.)

Seeking to suspend the sentence imposed on the petitioner by the learned V Additional District Judge, Madurai in S.C.No.463 of 2020 dated 10.12.202, 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
294(b) of IPC	Two month rigorous imprisonment	
302 of IPC	Life Imprisonment	Rs.200/- i/d to undergo three months simple imprisonment

3. The case of the prosecution is that on 07.07.2019 at about 5.30 pm., the petitioner herein attacked the sleeping person with a stone out of suspicion that he might have stolen the vegetable sack, due to which he died. Hence the case

4. The respondent police after completion of investigation filed a final report before the learned Judicial Magistrate, Melur and thereby the

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same was taken on file in PRC No. 11 of 2020 and was made over to the V Additional District Judge, Madurai and was taken for trial in SC No. 463 of 2020. On the side of the prosecution, P.W.1 to P.W.11 were examined and Ex.P.1 to Ex.P.12 and M.O.1 was marked. When the accused was questioned under Section 313 of Cr.P.C., he denied all charges. On the side of the accused no witness was examined and documents were marked.. After hearing both sides the trial Court convicted accused as stated above.

5.The learned counsel appearing for the petitioner would submit that the petitioner is a street vegetable vendor doing small time business for his survival and he used to stack vegetables in the corner of a place and thereafter found missing. On 07.07.2019 he found the vegetable bag missing, at that time he found the petitioner sleeping in the place. The petitioner herein questioned the deceased and at that time there was a wordy quarrel and there was exchange of blows, at that time the deceased fell down accidentally to the floor on a sharp edged stone and sustained injuries which is now projected as though the petitioner has thrown a huge stone on the deceased and caused injury and thereby he died. He would further submit that the occurrence said to have taken place on 07.07.2019 but the deceased died on16.07.2019. He would further

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submit that PW.1 to PW.3 are projected as eye witnesses to the occurrence but they have admitted that they were far away from the place of occurrence and saw from a distance and they heard the verbal abuse, which is highly imaginary. Further the occurrence said to have taken place in a public road but no independent witnesses examined. In this case, the petitioner is a roadside vegetable vendor who has got no means to conduct the case. Hence during the trial, this case was conducted by a Legal Aid Counsel and here to a legal aid counsel appear for the petitioner.

6. The learned Additional Public Prosecutor submitted that the petitioner herein brutally assaulted the deceased with stone on suspicion and caused his death. He would further submit that the trial Court rightly appreciated the evidence of eye witnesses . The distance of the tea stall did not obstruct their visibility or audibility and the occurrence said to have taken place during evening and it is not difficult for the eye witnesses to witness the occurrence. The petitioner had targeted a defenseless sleeping victim, used a heavy stone to inflict a fatal injury and caused the death. He would further submit that there is fracture in the skull and he was taken to hospital and treated for 10 days and thereafter died. Further the medical evidence confirms the death due to

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injuries with the blunt object. In this case, the PW1 to PW3 are the witnesses who are the eyewitnesses who have clearly deposed about the attack committed by the petitioner.

7. Heard both sides and perused the materials available on record.

8. In this case it is seen that the alleged assault said to have taken place on 07.07.2019 but the deceased died after ten days on 16.07.2019. Though PW.1 to 3 are the eye witnesses to the occurrence they admit that they have seen the occurrence from a far away place behind the tea shop and there are contradictions in their evidence . In this case admittedly there was a wordy quarrel and no weapon used and there was only push and pull and due to the assault the deceased fell down and died after ten days and it is not a instantaneous death . In view of the above conviction on the petitioner under Section 302 of IPC needs requires re-consideration. 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) with two sureties, each

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for a like sum to the satisfaction of the V Additional District Court, Madurai.

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

iii. The petitioner shall report before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

iv. On breach of any of the aforesaid conditions, the learned Sessions Judge/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Sessions Judge /Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

(M.N.K.,J.) (N.G.N.,J.)
03-11-2026

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To

1. The V Additional District Court, Madurai

2. The Inspector Of Police,
   Melavalavu Police Station
   Madurai District

3. The Additional Public Prosecutor
   Madurai Bench of Madras High Court
   Madurai

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AND
N.GUNASEKARAN, J.
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