



CrL.M.P.(MD) No.8437 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2026

CORAM

**THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA**

**CRL.MP(MD) No.8437 of 2026
in
CrL.A(MD)No.1060 of 2025**

Savarimuthu

.....Petitioner /Accused No.2

Vs.

State of Tamil Nadu Rep. by
The Inspector of Police,
Munneerpallam Police Station
Tirunelveli District.
Crime No.33 of 2013.

..... Respondent /complainant

PRAYER : Petition filed under Section 430 (1) of BNSS to suspend the sentence of imprisonment imposed on the petitioner in the judgment and conviction delivered by the I Additional District and Sessions Judge, Tirunelveli in S.C.No.17 of 2017 dated 16.09.2025 and enlarge the petitioner on bail pending disposal of the main Criminal Appeal.



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For Petitioner : Mr.S.R.Muthuvasan
for Mr.R.Niresh Kumar

For Respondent : Mr.C.Christopher
Counsel for State of Tamil Nadu (CrL. side)

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

Seeking to suspend the sentence imposed on the petitioner by the I Additional District and Sessions Judge, Tirunelveli, *vide* Judgment dated 16.09.2025 in S.C.No.17 of 2017, he has filed the Criminal Miscellaneous Petition.

2. The case of the prosecution is that Accused No.1 along with his friends had committed murder of the father of the deceased in the year 2000. As a retaliation, the deceased is said to have attempted to kill Accused No.1 and the said attempt failed. On 24.01.2013, at about 19.00 hours, the deceased along with P.W.1, who is the son-in-law of the deceased and P.W.4, who is the son of the deceased and other relatives



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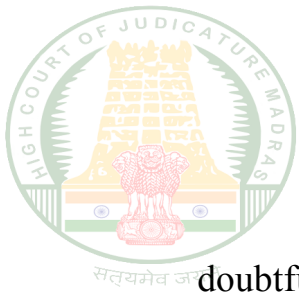
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were going in a vehicle to Tiruchendur for a pilgrimage. On 25.01.2013, when the deceased was serving food, all the accused persons are said to have gone to the spot and the deceased was attacked indiscriminately, as a result of which, the deceased succumbed to the injuries. A complaint was given by P.W.1, resulting in registration of an FIR in Crime No.33 of 2013.

3. There are totally four accused persons in this case and the petitioner has been arrayed as Accused No.2.

4. The trial Court, on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the prosecution has proved the case beyond reasonable doubts. Accordingly, convicted the petitioner for the offence under Section 302 of IPC and sentenced him to undergo life imprisonment and to pay a fine of Rs.10,000/- in default to undergo one year simple imprisonment.

5. The learned counsel for the petitioner would submit that the occurrence is said to have been taken place at about 1.00 A.M. during the night hours. The presence of PW1 at the scene of occurrence is highly



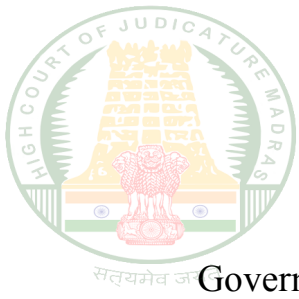
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doubtful. As per the evidence of PW1, he claims that PW6, the wife of the deceased was also accompanying them in the Pathayatra. Whereas it is the case of PW6 that she came to know about the occurrence through PW1. Further, PW1 has disowned the complaint given by him. P.W.1 has claimed that he has given a complaint with the names of four accused whereas as per Ex.P.1 only the names of A1 and A2 are present and he has also categorically deposed that he did not write the complaint and he is not aware who has written the complaint.

6. He would further submit that there are also other arguable points available in this case. He would further submit that the occurrence has happened during the year 2013 and the petitioner was on bail during trial and he has not misused the liberty granted to him. Further, A3 and A4 against whom there are specific overt act, as per the witnesses have also been granted suspension of sentence by this Court in CrL.MP.(MD)No. 3851 of 2026 dated 27.02.2026 and CrL.MP.(MD)No.5580 of 2026 dated 25.03.2026.

7. Per contra, Mr.C.Christopher, learned Counsel for the



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Government of Tamil Nadu appearing for the respondent by placing reliance on the counter affidavit filed by the respondent stating that the incidents have been specifically spoken by the eyewitness and the trial Court believing the same had convicted the petitioner.

8. He would further submit that the petitioner has got 7 previous cases and all of them ended in acquittal. The trial Court rightly appreciating the evidence has convicted the accused, and he would object for grant of suspension of sentence to the petitioner, thereby, he would vehemently oppose for grant of bail to the petitioner.

9. Heard the learned counsel on either side and perused the materials available on record.

10. It is an application of suspension of sentence. We would not propose to delve deep into the evidence at this stage. Having gone through the records, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioner.



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11. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner herein are suspended, subject to the following conditions :

i. The petitioner is directed to be enlarged on bail on executing a bond for 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.V, 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 petitioner 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.

[A.D.J.C., J.] [R.P., J.]
29.06.2026

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Copy to

1. The I Additional District and Sessions Judge,
Tirunelveli.
2. The Inspector of Police,
Munneerpallam Police Station
Tirunelveli District.
Crime No.33 of 2013.



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A.D.JAGADISH CHANDIRA, J.
AND
R.POORNIMA, J.

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CrL.A(MD)No.1060 of 2025

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