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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. 10140 of 2026

CNR:{HCMD010512062026}

Case QR

CRL A(MD) No. 612 of 2026

Jackson @ Jackisaan
S/o.Coolpandi,
Vellaikaradu,
Anaimalayanpatty Post,
Theni District - 625 526.
Confined at Central Prison, Madurai.

..Petitioner(s)

Vs

1. The State of Tamilnadu, Rep. By
   The Deputy Superintendent of Police,
   Uthamapalayam Sub Division,
   Rayappanpatti Police Station,
   Theni District.
   (Crime No.262 of 2014)

2. The State Of Tamilnadu Rep By The Inspector Of
   Police, Rayappanpatti
   Police Station,
   Theni District.

3. Veni
   W/o.Balu,
   Indhira Colony,
   Vellaikaradu,
   Anaimalayanpatti,
   Theni District.

..Respondent(s)

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PRAYER: To suspend the sentence imposed by the learned Special Court for Trial of Cases under SC/ST (POA) Act, Theni in Spl.S.C.No.18 of 2020 dated 27.10.2025 and enlarge the petitioner / Accused No.1 on bail, till the disposal of the Criminal Appeal.

For Petitioner(s) :M/s M/s.K.Ravi
M/s V.Ayyankalai

For Respondent(s) :Mr.C.Christopher,
Additional Public Prosecutor
For R1 And R2
COUNTER AFFIDAVIT FILED By R2
M/s.Jessimathul Fathima
Legal Aid Counsel For R3
Vide Letter D.No.3247/2026, Dt:23/10/26

ORDER

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

This Criminal Miscellaneous Petition has been filed seeking suspension of the sentence imposed upon the petitioner /Accused No.1 by the learned Special Court for Trial of Cases under the SC/ST (POA) Act, Theni, in Spl.S.C.No.18 of 2020, by judgment dated 27.10.2025, whereby the petitioner was found guilty, convicted and sentenced as follows:

Sections of Law	Sentence of Imprisonment
302 IPC	To undergo imprisonment for life and to pay a fine of Rs.2000/-, in default, to undergo one year of Simple Imprisonment.
506(ii) IPC	To undergo six months of Simple Imprisonment and to pay a fine of Rs.1000/-, in default, to undergo one

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	month of Simple Imprisonment.

2. The case of the prosecution, in brief, is that the deceased Balu was the husband of P.W.1, namely, Veni, and was residing at Vellaikaradu Colony, Anaimalaiyanpatti. The accused persons, who were also residing in the same locality, had encroached upon the land belonging to the Adi Dravidar Colony and were running a shop therein. The deceased and the members of his community objected to the said encroachment and took steps to remove the shop, which resulted in a dispute between the accused persons and the deceased. Owing to the said dispute, the accused persons developed animosity towards the deceased. It is further alleged that A2 to A4 instigated A1 to murder the deceased. Accordingly, on 21.11.2014, at about 4.00 p.m., while the deceased was walking near the houses in Vellaikaradu Colony, Anaimalaiyanpatti, A1 followed him and attacked him with an aruval on the left side of his neck, causing fatal injuries, as a result of which he died on the spot. When P.W.1 and the other witnesses attempted to intervene, A1 allegedly threatened them with dire consequences and abused them by referring to their community.

3. The learned counsel for the petitioner submitted that, in this case, four accused stood trial and, after trial, accused Nos.2 to 4 were acquitted, whereas the petitioner alone was convicted. The prosecution

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case is that the petitioner, using M.O.1-aruval, attacked the deceased on his neck and caused his instantaneous death. P.W.1 to P.W.5 have been projected as eyewitnesses to the occurrence. P.W.1 is the wife of the deceased, P.W.2 is his son and P.W.3 is his sister-in-law. P.W.4 and P.W.5, though not related to the deceased, hail from the same locality. Hence, the learned counsel contended that all the witnesses are interested witnesses. The learned counsel further submitted that the alleged motive projected by the prosecution is that the petitioner and the other accused had encroached upon the colony land, which was objected to by the deceased. The deceased had submitted a representation before the authorities, pursuant to which the encroachment was removed. Therefore, there was enmity between the parties and, for the said reason, the petitioner is alleged to have assaulted the deceased. It was further submitted that there are several contradictions in the evidence of the prosecution witnesses. P.W.10, the Doctor who conducted the postmortem examination, issued the postmortem certificate, marked as Ex.P4, wherein more than one injury has been noted. However, the evidence of P.W.1 to P.W.5 is to the effect that there was only one cut injury. Hence, there is a contradiction between the ocular evidence and the medical evidence. The learned counsel also submitted that the petitioner had elicited through the prosecution witnesses that the dead

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body was taken to the High Road and placed there, following which an agitation took place. On the next day, a political leader belonging to the VCK party came to the spot and a dharna was conducted. Thereafter, the present case was registered. The learned counsel further submitted that the petitioner and the other accused were falsely implicated in the case on account of their community identity, in order to pacify the prevailing situation. The recovery is also doubtful and there are material contradictions in the prosecution case. The learned counsel further submitted that the Trial Court, on appreciation of the evidence, found that the other accused were not guilty of the charges and accordingly acquitted them. Hence, the petitioner is also entitled to suspension of sentence.

4. The learned Additional Public Prosecutor filed a counter affidavit. The contents in the counter affidavit are as follows:

> *“ 2. I humbly submit that the Petitioner/Appellant was arrayed as Accused No.1 in Crime No.262 of 2014 on the file of Rayappanpatti Police Station, Theni District. The final report was laid before the learned Judicial Magistrate, Uthamapalayam, and the case was taken on file P.R.C.No.30 of 2015. Thereafter, the case was committed to the Court of Sessions and taken on file as Spl.S.C.No.11 of 2016 and was made over by the learned Special Court for Trial of Cases under SC/ST (POA) Act, Theni District in Spl.S.C.No.18 of 2020. After*

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a full-fledged trial, by Judgment dated 27.10.2025, the learned Trial Court found the Petitioner/Al guilty U/s.302 & 506 (ii) IPC and sentenced him to undergo imprisonment for life and to pay a fine of Rs.2,000/-in default to undergo one year simple imprisonment for the offence U/s.302 IPC; and Simple Imprisonment for Six Months along with fine of Rs. 1,000 for the offence U/s.506(ii) IPC. Further Al was acquitted of the charges U/s.3(1)(r)(s) of SC/ST (POA) Act 1989 and A2 to A4 were acquitted of all the charges against them.l humbly submit that against the above said judgment passed by the learned Trial Court, the Petitioner/Appellant/Accused No.1 has preferred the present Criminal Appeal.

3. I humbly submit that it is the specific case of the Prosecution that the deceased Balu was the husband of PW1 Veni and was residing at Vellaikaradu Colony, Anaimalaiyanpatti. The accused persons, who were residing in the said locality, had encroached upon the land belonging to the Adhi Dravidar Colony and were running a shop therein. The deceased Balu and the members of his community had objected to the said encroachment and had taken steps for removal of the shop. In connection with the said dispute, there was already an altercation between the accused persons and the deceased and his family, and complaints had also been lodged before the Police, which were subsequently enquired into. Owing to the said dispute, the accused persons had developed motive against the deceased Balu. The prosecution further alleged that A2 to A4 had induced and instigated the Petitioner/Al to do away with the deceased. Accordingly, on 21.11.2014 at about 4.00 p.m., when

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the deceased Balu was walking near the houses the Vellaikaradu Colony, Anaimalaiyanpatti, at Petitioner/Al followed him and attacked him with an Aruwal on the left side of his neck, causing fatal bleeding injuries, as a result of which the deceased died at the spot. It is further alleged that when PW1 and other witnesses attempted to intervene, the Petitioner/Al threatened them with dire consequences and also abused them by referring to their community.

4. I humbly submit that the conviction of the Petitioner/Al is not based upon a solitary circumstance or mere suspicion. The learned Trial Court has recorded a categorical finding that the prosecution had proved the case beyond reasonable doubt. The presence and participation of Al in the occurrence were found established through the evidence of PW1 to PW5, PW8 and PW9, who consistently spoke about Al attacking the deceased Balu on the left side of the neck with an Aruval. Their evidence was found to be mutually corroborative and also consistent with the medical evidence.

5.I humbly submit that totally there were 17witnesses examined and 23 exhibits and 6 material objectswere marked on the side of Prosecution and 1 witness, 2 exhibits were marked on the side of the defense. Upon an elaborate appreciation of the entire case, the learned Trial Court rightly held that the prosecution had established beyond reasonable doubt the guilt of the Petitioner & accordingly convicted him."

5. The learned Additional Public Prosecutor further submitted that

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P.W.1 to P.W.5 are eyewitnesses who have clearly spoken about the date, time, place and manner of occurrence. P.W.4 had identified M.O.1-Aruval, and P.W.5 had also corroborated the same. The learned Additional Public Prosecutor further submitted that P.W.10, the Doctor who conducted the postmortem examination, found injuries on the backside and left side of the neck, with the blood vessels on the left side of the neck having been severed. The deceased died instantaneously due to shock and haemorrhage. Thereafter, on the basis of the complaint, the case was registered and investigation was conducted. It is further submitted that, on the side of the prosecution, 17 witnesses were examined and 23 documents were marked, apart from six material objects. On the side of the defence, D.W.1 was examined and Exs.D1 and D2 were marked.

6. The learned Additional Public Prosecutor further submitted that the ocular evidence of the eyewitnesses was duly corroborated by the medical evidence. P.W.10, through the post-mortem certificate marked as Ex.P4, had confirmed the injuries sustained by the deceased. The chemical analysis report and the biological serology report also revealed that the bloodstains found on the material objects were human blood. The place of occurrence had also been duly established. Therefore, the learned Trial Court had rightly appreciated the evidence and convicted the

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petitioner.

7. The learned counsel appearing for the third respondent/P.W.1 also opposed the grant of suspension of sentence and submitted that the deceased had objected to the petitioner and the other accused encroaching upon the colony land, putting up a stall and dumping chicken waste in the locality, which caused a nuisance. The deceased had submitted a representation to the authorities, pursuant to which the encroachment was removed. This was the motive for the occurrence. Waiting for an opportunity, on the fateful day, when the deceased was passing along a public road, the petitioner attacked him with M.O.1-Aruval on the neck, which is a vital part of the body. The force of the attack was so severe that the injury had severed the jugular vein, resulting in the instantaneous death of the deceased. The learned counsel further submitted that P.W.1 to P.W.5 are eyewitnesses, of whom P.W.1 to P.W.3 are the wife, son and sister-in-law of the deceased, respectively. Though P.W.4 and P.W.5 are not related to the deceased, they belong to the same locality and had witnessed the occurrence. The Trial Court, on appreciation of the evidence, rightly found that the fatal injury was caused by the petitioner and convicted him, while acquitting the other accused.

8. We have given our anxious consideration to the submissions made by the learned counsel on either side and have carefully perused the

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materials placed before us.

9. This Court, upon perusal of the materials available on record, finds that P.W.1 to P.W.5 are the eyewitnesses to the occurrence. P.W.1 to P.W.3 are the wife, son and sister-in-law of the deceased, respectively. P.W.4 and P.W.5, though not related to the deceased, belong to the same locality and have spoken about the attack on the deceased by the petitioner using M.O.1. The post-mortem certificate, Ex.P4, issued by P.W.10, the Doctor who conducted the post-mortem examination, reveals that, on dissection, the left carotid artery, internal jugular vein and external jugular vein were found severed. This establishes the force and intensity of the attack made by the petitioner, which resulted in the instantaneous death of the deceased. The motive projected by the prosecution is also not seriously disputed.

10. In view of the foregoing discussion and the materials available on record, this Court finds no reason to entertain this petition. Accordingly, this Criminal Miscellaneous Petition is dismissed.

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

PAL

To
1. The Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Theni

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2. The Deputy Superintendent of Police
   Uthamapalayam Sub Division
   Rayappanpatti Police Station
   Theni District

3. The Inspector Of Police, Rayappanpatti
   Police Station
   Theni District

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

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M.NIRMAL KUMAR, J.
AND
N.GUNASEKARAN, J.

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