



CRL MP(MD) NO. 8447 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21-04-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

AND

THE HONOURABLE MR JUSTICE K.K. RAMAKRISHNAN

CRL MP(MD) NO. 8447 of 2026 in CRL.A(MD).1118 of 2025

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Petitioner(s)

Vs

The State Of Tamilnadu,
Rep By The Inspector Of Police,
Alangulam Police Station
Tenkasi District.
(Crime No. 385 of 2015)

Respondent(s)

For Petitioner(s):

Mr.K.Prabhu

For Respondent(s):

Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

Prayer:

To Suspend the Execution of sentence by granting bail in S.C.No.173 of 2016 dated 26.02.2025 on the file of the learned Additional District and



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Sessions Judge, Tenkasi, Tenkasi District, till the disposal of the Criminal Appeal and to render justice.

ORDER

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

This petition has been filed by the accused seeking suspension of substantive sentence of imprisonment imposed in S.C. No. 173 of 2016 dated 26.02.2025 on the file of the Additional District and Sessions Court, Tenkasi, Tenkasi District.

2. The case of the prosecution is that the wife of A1 had developed an illicit intimacy with one Sevathalingam and due to this relationship, there were frequent quarrels between A1 and Sevathalingam. The deceased is the friend of the said Sevathalingam. The deceased is said to have made arrangement for the marriage between Sevathalingam and the wife of A1. Enraged by the same, on 01.08.2015 at about 9:00 p.m., when the deceased was returning from work in a bicycle near Ezhil Nagar at Nallur Village and in front of the house of one Mahalingam, A1 to A3, who came in a two-wheeler restrained the deceased and attacked him indiscriminately



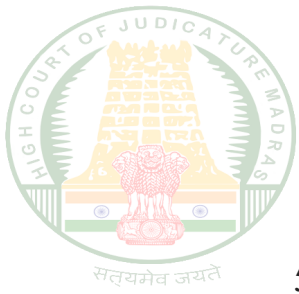
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with sickle with the common intention to commit murder. Due to multiple cut injuries sustained all over the body, the deceased died on the spot. Based on the complaint given by PW1, who is the brother of the deceased, an FIR came to be registered in Crime No. 385 of 2015 for offences under Sections 341, 294(b), 302 and 506(ii) of IPC. There are totally three accused persons in this case and the petitioner was arrayed as A1.

3. The trial court, on considering the facts and circumstances of the case and on appreciation of the oral and documentary evidence, came to the conclusion that the prosecution has proved the case beyond reasonable doubts. Accordingly, the petitioner was convicted and sentenced in the following manner:

<i>Provision</i>	<i>Sentence</i>
Section 302 of IPC	Life imprisonment and fine of Rs. 1,000/-, in default to undergo 3 months simple imprisonment

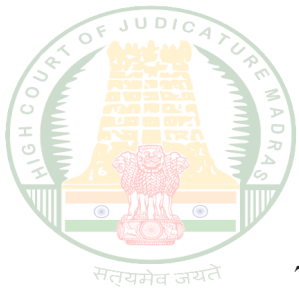
4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.



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5. The main ground that was urged by the learned counsel for the petitioner is that the prosecution had examined PW1 and PW2 as eyewitnesses and PW2 turned hostile. It was submitted that PW1 could not have been an eyewitness in this case. To substantiate this submission, the learned counsel for the petitioner relied upon the evidence of PW3, who is the wife of the deceased. PW3 in her evidence has stated that the incident had taken place at 9:00 pm., and it was informed to her by PW1 at 09.30 p.m. At about 10:00 p.m. the police were present in the scene of crime. However, even as per the evidence of PW1, the complaint itself was given only at 12:00 midnight. The learned counsel submitted that the distance between the place of occurrence and the police station was only 3 kilometers and there was no explanation for the delay in lodging the complaint. It was further submitted that the FIR reached the Court only at 11:30 a.m. on 02.08.2015.

6. Further submission that was made by the learned counsel for the petitioner is that neither Sevathalingam nor Parvathi, who is the wife of A1, were examined on the side of the prosecution to prove the motive.

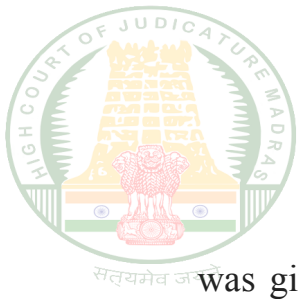


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7. Per contra, the learned Additional Public Prosecutor on relying upon the counter-affidavit submitted that PW1 had clearly stated about the incident and the overtact of each of the accused person. The learned Additional Public Prosecutor further submitted that the cross examination of PW1 had taken place after more than two years and therefore, if at all there are any infirmities, the same cannot discredit the evidence of PW1 given during chief examination. The learned Additional Public Prosecutor, on instructions, submitted that there are 17 cases against the petitioner after the present occurrence.

8. This Court has carefully considered the submissions made on either side and the materials available on record.

9. On carefully considering the submissions made on either side, this Court finds that the petitioner has questioned the very genesis of the case of the prosecution on the ground that PW1 could not have been an eyewitness in this case since PW3, who is none other than the wife of the deceased, came to know of the incident at 9:30 pm. and in spite of the same, she does not give a complaint to the police and the actual complaint



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was given only at 12:00 midnight by PW1. A *prima facie* case has been made out and it will take some more time for this Court to deal with the appeal on merits. The petitioner has suffered incarceration from February, 2025. This Court also took into consideration the previous cases against the petitioner. This Court also took into consideration the order passed in favour of the co-accused (A3) in CrI.M.P.(MD).No.707 of 2026, dated 06.04.2026.

10. In view of the same, we are inclined to suspend the sentence imposed on the petitioner and accordingly, this 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 learned Additional District and Sessions Court, Tenkasi, Tenkasi District;

(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



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(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.ANAND VENKATESH J.) (K.K.RAMAKRISHNAN J.)
21-04-2026

TSG

To

1.The Additional District and Sessions Judge, Tenkasi, Tenkasi District.

2.The Inspector of Police,
Alangulam Police Station
Tenkasi District.

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

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