



Crl.M.P.(MD)No.9142 of 2025

in Crl.A.(MD)No.759 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.03.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.9142 of 2025

in Crl.A.(MD)No.759 of 2025

Muthuraman

... Petitioner

versus

The State of Tamilnadu, Rep. by
The Inspector of Police,
Sambavarvadakarai Police Station,
Tirunelveli District.
Crime No,58/2018

... Respondent

Petition filed under Section 430(1) of BNSS 2023, to suspend the sentence imposed against the petitioner in S.C.No.83 of 2020 dated 24.06.2025 passed by the learned Additional District and Sessions Judge (FTC), Tenkasi and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.G.Karuppasamy Pandiyan

For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)



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ORDER

The petitioner is the sole accused in S.C.No.83 of 2020 on the file of the learned Additional District and Sessions Judge, (FTC), Tenkasi. He was tried for the offence under Sections 302, 294(b) and 506(2) IPC that he caused the death of one Palaniappan. The petitioner is the cousin of the deceased. The names of the petitioner's mother and the deceased's wife are one and the same, ie. Mariyammal and whenever the deceased scolded his wife, the petitioner was under the impression that the deceased is scolding his mother. Therefore, there was a motive between the petitioner and the deceased. The petitioner and the deceased were working together in Amar Seva Sangam at Ayakudi. On the complaint of the petitioner, the deceased was transferred to some other post and therefore, the deceased left the job and started working in a Petrol Bunk. Due to this motive, there was a wordy quarrel and on 10.03.2018, when the deceased was standing near his grandfather's house, the petitioner came there, created problem, abused him in filthy language and also attacked him with an iron pipe. The deceased was admitted in a private hospital and he also took treatment in another hospital and succumbed to the injuries on 16.03.2018. Though the petitioner was prosecuted for the offence under Sections 302, 294(b) and 506(2)



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IPC, the trial Court, by its Judgment dated 24.06.2025, found the petitioner guilty for the offence under Section 304(II) and 506(2) IPC and convicted and sentenced him as under:

Sl.No	Sections	Punishment	Fine amount	Default
1.	304(II) IPC	10 years rigorous imprisonment	Rs.25,000/-	2 years simple imprisonment
2.	506(2) IPC	5 years rigorous imprisonment		

Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in CrI.A.(MD)No.759 of 2025 and the same was admitted by this Court on 15.07.2025. Along with the appeal, the petitioner has filed this petition seeking to suspend the sentence imposed by the trial Court.

2. The learned counsel appearing for the petitioner has raised the following grounds:

(i) The investigation officer categorically stated that P.W.2 alone is the eye-witness to the occurrence. Assuming that P.W.2 is the eye witness to the occurrence, she had not identified the weapon used in the commission of offence. When P.W.2 being a solitary eye-witness in the case, her evidence



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must inspire confidence of the Court.

(ii) The trial Court failed to consider that the iron pipe (M.O.1) was recovered on 12.03.2018 from the place of occurrence after lapse of two days. Moreover, M.O.1 had reached the court on 24.04.2018, i.e. after the lapse of 40 days. Further, P.W.19-Investigating Officer admitted that there is no proof to show the chain of custody of the weapon.

(iii) The deceased sustained lacerated injury on the backside of the liver which is said to be the cause of death of the deceased. Per contra, P.W.8-the Doctor, who conducted postmortem, categorically admitted that it is highly impossible to get injury in the internal organ without any external injury.

(iv) The medical records relating to the treatment of the deceased have not seen the light of the day. Therefore, the adverse inference can be taken as against the prosecution case, as per Section 114(g) of the Indian Evidence Act. The learned counsel for the petitioner submits that the petitioner is in jail from the date of conviction, i.e. from 24.06.2025. Since the petitioner is in jail for nearly eight months, he seeks to suspend the sentence imposed on the petitioner by the trial Court.



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3. The learned Government Advocate (Crl. Side) submits that the investigation agency has established the case of the prosecution through six eye-witnesses, namely, P.W.2 to P.W.7, who supported the case of the case of the prosecution, out of which, P.W.7 is an independent eye-witness. He further submits that the evidence of Doctor also supported the case of the prosecution that the cause of death is due to the injury caused by the petitioner. Therefore, this is a clear case, where, the petitioner attacked the deceased and caused fatal injury to the deceased.

4. This Court considered the rival submissions made.

5. The petitioner has raised certain points, which can be considered only during the final hearing of the appeal. However, the appeal could not be taken up for final disposal for want of time. Further, the petitioner is in jail for nearly 8 months.

6. Considering the points raised by the petitioner, the period of incarceration and also considering the fact that the appeal could not be taken up for final disposal for want of time, this Court is inclined to allow this petition.



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7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered 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 Additional District and Sessions Judge (FTC), Tenkasi and on further condition that the petitioner shall appear before the respondent Police daily at 10.30 a.m. until further orders.

18.03.2026

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To

1. The learned Additional District and Sessions Judge
(FTC), Tenkasi
2. The Superintendent,
Central Prison, Tirunelveli.



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3. The Inspector of Police,
Sambavarvadakarai Police Station,
Tirunelveli District.

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



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B.PUGALENDHI, J.

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