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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02-11-2026

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

AND

THE HON'BLE MR.JUSTICE N.GUNASEKARAN

CRL MP(MD) No. 14931 of 2026

CNR:{HCMD011004292026}

and CRL MP(MD) No. 14932 of 2026

CNR:{HCMD011004302026}

IN

CRL A(MD) NO. 865 OF 2026

In Crl.M.P(MD)No.14931 of 2026:

Renjitham
W/o. Ravimani,
Fish Market Street,
Rajakrishnapuram-627114,
Radhapuram Taluk, Tirunelveli District.
Now confined at,Special Prison for Women,
New Jail Road,Arasaradi,
Madurai - 625016.
Life Convict No. 445.

..Petitioner(s)

Vs

State Of Tamilnadu Rep By Inspector Of Police,
Suchindram Circle,
Police Station,Anjugramam - 629401,
Kanyakumari District.
Crime No. 468/2011.

..Respondent(s)

PRAYER: This Petition filed under section Suspend of Sentence C-60. To Suspend the sentence imposed against petitioner in S.C. No. 29 of 2013 dated 12.03.2026 on the file of the Fast Track Mahila Court, Kanyakumari District at Nagercoil and enlarge the petitioner on bail pending disposal of above Criminal Appeal.

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CRL MP(MD) No. 14932 of 2026:

Kannan
S/o. Nagamani Nadar, Mangammal Salai,
Jamestown-629401, Agasteeswaram Taluk,
Kanyakumari District. Now confined at, Central
Prison, Palayamkottai, Life Convict No. 6463.

..Petitioner(s)

Vs

State Of Tamilnadu Rep By Inspector Of Police,
Suchindram Circle,
Police Station,
Anjugramam - 629401,
Kanyakumari district.
Crime No. 468/2011.

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PRAYER: This Petition filed under section Suspend of Sentence C-60. To Suspend the sentence imposed against petitioner in S.C. No. 29 of 2013 dated 12.03.2026 on the file of the Fast Track Mahila Court, Kanyakumari District at Nagercoil and enlarge the petitioner on bail pending disposal of above Criminal Appeal.

For Petitioner(s) : M/s G.Aravinthan
for M/s Aran Legal Consultancy

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

COMMON ORDER

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

The petitions are filed to suspend the sentence imposed against petitioners in S.C. No. 29 of 2013 dated 12.03.2026 on the file of the Fast

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Track Mahila Court, Kanyakumari District at Nagercoil and enlarge the petitioners on bail pending disposal of above Criminal Appeal.

2. In this case, there are totally eight accused and out of them, A8 died. A6 is absconding. The petitioners are arrayed as A1 and A2. This Court in Crl.MP(MD)Nos.8875 of 2026 Crl.M.P(MD)No 13513 of 2026 had granted suspension of sentence for A4 and A7 and there are similar grounds.

3.The deceased is the Vice-President of Anjugramam village. The case projected is that on 13.06.2009, when the deceased along with PW1 sister and PW3 mother was proceeding to Rajalakshmi Jewellery, (item No.9) at about 7.00 p.m, all the accused had encircled the deceased and A1 and A2 threw chilli powder and other accused using with knife and sickles had been indiscriminately cut the deceased and he died instantaneously.

4. The learned counsel for the petitioners submitted that PW1 is said to have sustained injury on her right wrist. But the Doctor, P.W.12, who had examined PW.17 in his evidence stated that she had sustained on the left wrist. Further, there are contradictions in the evidence of PW1

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and PW2 with regard to lodging of the complaint. P.W.1 stated that she had gone to the police station and taken a paper from the police station and written down the complaint. PW.3's evidence is that the complaint was received verbally and it was written down and a complaint has been lodged. Thus, there are material contradictions. Further, with regard to the scene of occurrence, it is projected that the occurrence had taken place near the school, which is on the northern end of the road. With regard to the, jewellery shop, is far away from the place of occurrence. In this case, PW5, a Tailor was working in a nearby shop, in his evidence stated that at the relevant point of time, at about 7.00 p.m, there was power cut. PW.1's evidence is that the occurrence had taken place within 20 to 30 seconds after the accused had assembled. Since there was no light, PW.1 could not have seen the occurrence. The evidence of PW1 and PW3 are contradictory, the manner how all three were walking in the street. Thus, the manner in which they had proceeded in the street is highly doubtful and the presence of PW1 and PW3 highly doubtful. Apart from PW.1 and P.W.3, the other private witnesses not supported the case of the prosecution. There has been a clear motive earlier to this occurrence in the year 2009. The specific overt act against A1 and A2 is that they threw chilli powder on the face of the deceased and thereafter other accused attacked. In this case, the presence of chilli powder is not

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proved either in the scene of occurrence or from the body of the deceased. The post-mortem Doctor and the Investigating Officer confirmed the same. Thus, the presence of A1 and A2 at the time of attack is doubtful.

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

> *'3. I respectfully submit that the present prosecution arose out of the murder of Yesu Amaladhasan, who was serving as the Vice-President of Anjugramam Town Panchayat. The prosecution case discloses that there had been disputes and previous criminal proceedings involving the deceased and certain accused persons. The dispute relating to the relocation of a public water tap and the previous criminal proceedings formed part of the background placed before the learned Thai Court for explaining the circumstances preceding the occurrence.*
>
> *4. I respectfully submit that an earlier criminal case had been registered In Crime No.385 of 2009 on the file of Anjugramam Police Station in connection with an attempt on the life of Yesu Amaladhasan. The said case subsequently culminated in S.C. No.76 of 2014 before the learned Principal Assistant Sessions Judge, Nagercoil. The petitioner herein was arrayed as the fourth accused in the said earlier case, whereas he was arrayed as the fifth accused in the present murder case.*
>
> *5. 1 respectfully submit that the previous Incident and the connected criminal proceedings were relied upon by the prosecution as part of the circumstances explaining the alleged motive for the subsequent murder. However, the prosecution case*

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in S.C.No.29 of 2013 was not confined to the existence of the previous case. The prosecution also relied upon evidence concerning the occurrence itself, the participation of the accused persons, the injuries sustained by the deceased and the other circumstances brought on record during trial.

6. I respectfully submit that the prosecution case is that, on 13.05.2011, the deceased Yesu Amaladhasan was subjected to a concerned armed attack by the accused persons in the course of the occurrence Rajalakshmi Jewellery at Anjugramam. The prosecution attributed acts of participation to the accused persons and alleged that the assault was committed in furtherance of the common object of the unlawful assembly.

7. I respectfully submit that the petitioner herein was not prosecuted merely because he was related to, acquainted with, or previously involved in criminal proceedings along with the other accused. The prosecution specifically attributed active participation in the occurrence to the petitioner, who was arrayed as A5. The prosecution case concerning him was that he participated in the armed assault upon the deceased including the attack directed at the deceased's hand and fingers. The evidence concerning his individual participation was considered by the learned Trial Court along with the evidence relating to the collective conduct of the accused persons.

8. I respectfully submit that the prosecution alleged that the accused persons acted together during the occurrence and that the deceased sustained multiple injuries in the course of the attack. The individual acts attributed to the respective accused persons were placed before the learned Trial Court for consideration along with the prosecution's case regarding their common object. The petitioner cannot therefore characterise the prosecution case against him as one resting solely upon the earlier criminal

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proceedings or upon motive.

9. I respectfully submit that the prosecution examined witnesses acquainted with the occurrence, including P.W.1, the injured sister of the deceased, and P.W.3, the mother of the deceased. Their evidence was material to the prosecution case regarding the presence and participation of the accused persons, the manner of the assault and the injuries sustained during the occurrence.

10. I respectfully submit that P.W.1 was not merely a witness speaking about the previous dispute or the alleged motive. She was an injured witness in the present occurrence. Her evidence concerning the attack and the participation of the accused persons was therefore independently relevant to the prosecution case. The learned Trial Court considered the eyewitness account together with the medical and other evidence placed before it'.

6. The learned Additional Public Prosecutor further submitted that with regard to the earlier 307 IPC case, in SC.No.76 of 2014, the Principal Session Judge, by judgement dated 04.01.2014 had convicted A1, A3 and A5 and five others and an appeal has been filed and the Principal Sessions Judge had suspended the sentence of the convicted accused. He further submitted that in the order of this Court granting suspension of sentence to A4 and A7, there is no finding given with regard to disbelieving the evidence of P.W.1 and P.W.3 and also the discrepancies in the scene of occurrence and shifting of scene of occurrence and the medical evidence pertaining to PW1.

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7. We have given our anxious consideration to the submissions made by the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent and have carefully perused the records placed before us.

8. In the earlier 307 IPC case, A1, A3 and A5 along with five others are said to have assaulted the deceased and the case was registered and the trial was conducted in SC.No.76 of 2014 and the same had ended in conviction. The motive is in two fold. First motive is that the deceased was a Vice President of the Village and there was a public tap in front of A1's residence which was maintained by A1 exclusively and the water tap has been shifted from that place and A1 had animosity and attacked the deceased with others and for that, the earlier case registered and prosecuted.

9. The second motive was that during the pendency of the earlier 307 IPC case, the deceased in the present case was forced and threatened to withdraw the earlier case, which was refused. For that reason, the second occurrence, had taken place. In this case, the witnesses for the arrest, recovery, observation mahazar, and rough sketch not supported the

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case of the prosecution. Even from the observation mahazar, it is seen that there is no trace of any chilli powder present in the scene of occurrence. The post-mortem Doctor confirmed that there was no chilli powder on the body of the deceased. Thus, the theory of throwing the chilli powder and the other accused attacked the deceased is highly doubtful. As regards A1 and A2, the specific overt act is that they have threw the chilli powder and in the absence of any recovery or trace of chilli powder found anywhere, the implication of A1 and A2 gain significance.

10. Considering the submissions made on either side and on a perusal of the materials, it is seen that the petitioners/A1 and A2 have been convicted by the trial court with the aid of Section 149 IPC and the specific overt act against them is that A1 and A2 had threw chilli powder on the deceased and facilitating the other accused to assault and do away the deceased. Admittedly, in this case, from the evidence, it is seen that chilli powder was neither found in the body of the deceased and the post-mortem doctor and the investigating officer admitted the same. Hence, we find that the conviction of the petitioners/A1 and A2 needs reconsideration.

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11. Having regard to the overall facts and circumstances of the case and the period of incarceration of the petitioner, the points raised by the petitioners/A1 and A2 which require consideration in the appeal, we are of the considered view that the petitioners have made out a case for suspension of sentence.

12. Accordingly, the criminal miscellaneous petitions are allowed and the substantive sentence of imprisonment alone imposed on the petitioners herein is suspended, subject to the following conditions:

i. The petitioners are directed to be enlarged on bail on executing a separate bond for Rs.5,000/- (Rupees five thousand only) with two sureties, each for a like sum to the satisfaction of the Fast Track Mahila Court, Kanniyakumari District at Nagercoil.

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 petitioners shall appear before the learned Trial Judge at 10.30 a.m., on the first working day of every calender month, until the disposal of the criminal appeal. If they are not able to appear before the Trial Court on that day, they shall make arrangements to

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file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of their absence as directed by the Trial Court.

iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/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.)
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To

1. Inspector Of Police, Suchindram Circle
   Police Station
   Anjugramam - 629401
   Kanyakumari district

2. 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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