



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09-03-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

AND

THE HONOURABLE MR. JUSTICE P.DHANABAL

CRL MP(MD) NO. 13762 of 2025 in Crl.A(MD) No.1061 of 2025

1. Thirunavukkarasu
S/o.Muniyappan
Maravar Street Tharasuram
Kumbakonam
Thanjavur District.

Petitioner(s)

Vs

1. The State of Tamil Nadu
Rep. by The Inspector of Police
Kumbakonam Taluk Police Station
Thanjavur District.
Crime No.451/2009.

Respondent(s)

For Petitioner(s): Mr.R.Selvaraj

For Respondent(s): Mr.E.Antony Sahaya Prabahar
Addl. Public Prosecutor

Prayer:To Suspend the sentence imposed on the petitioner in Spl.S.C. No. 336 of 2011 on the file of the Learned Spl. Court for Additional District and Sessions Court (Fast Track Court), Kumbakonam dt. 14.03.2015 and enlarge the me on bail pending disposal of the appeal.

ORDER

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

This petition has been filed by A3 seeking suspension of substantive sentence of



imprisonment imposed in Spl.S.C. No. 336 of 2011 dated 14.03.2015 on the fi Spl.



Court for Additional District and Sessions Court (Fast Track Court), Kumbakonam.

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

3. The case of the prosecution is that A1 had previous enmity with the deceased due to money transactions. The deceased is said to have owed money to A1 and A1 had defaulted in making payment and when A1 asked for payment, it is alleged that the deceased refused to make the payment. Hence, A1 decided to eliminate the deceased and mobilized the other accused persons for executing the design. Pursuant to the conspiracy between the accused persons, the deceased was way laid near Darasuram Market area on 13.11.2009 at 5 hrs and he was surrounded by the accused persons and he was attacked indiscriminately with deadly weapons. Based on the complaint given by the wife of the deceased/PW1, a case was registered in Crime No.451/2009.

4. There were totally nine accused persons in this case. A1 died and hence, the charges abated. A2 was absconding and hence, the case was split up. A6, A8 and A9 were acquitted. A3, A4, A5 and A7 were convicted and sentenced. The petitioner was arrayed as A3 and he was convicted for offences under Sections 148, 341 and 302 IPC and was sentenced to undergo rigorous imprisonment of three years and to pay a fine of Rs.1,000/-, in default, to undergo rigorous imprisonment for six months for offence under Section 148 IPC; sentenced to undergo simple imprisonment for one month for offence under Section 341 IPC and



sentenced to undergo life imprisonment for offence under Section 302 IPC and fine of Rs.2,000/-, in default to undergo one year rigorous imprisonment.



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5. The main ground that was urged by the learned counsel for the petitioner is that except PW1, none of the other prosecution witnesses supported the case of the prosecution. It was further submitted that the entire complaint was written by the police constable inside the police station and based on the same, the case of the prosecution was developed. The other ground that was raised is that the accident register, which is the earliest document, has not been marked in this case and that would have clearly established the number of persons, who are involved in the commission of offence.

6. The learned Additional Public Prosecutor, on instructions, submitted that there are five previous cases against the petitioner, out of which, in two cases, he was acquitted and in three remaining cases, the petitioner has been charged for offence under Sections 323, 506(II) IPC. In the case in hand, insofar as the petitioner is concerned, the entire case hinges upon the evidence of PW1.

7. Considering the grounds raised by the learned counsel for the petitioner and also considering the fact that the petitioner is inside for more than a year and it will take some more time for this Court to take up the criminal appeal for final hearing, this Court is inclined to suspend the substantive sentence of imprisonment alone.

6. In view of the above, the substantive sentence imposed by the Court below in S.C.No.336



of 2011 dated 14.03.2015 is suspended and the petitioner is enlarged on bail :



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, each for a like sum to the satisfaction of the Special Court for trial cases under SC/ST (POA) Act, Kumbakonam;
- (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
- (iii) The petitioner shall appear before the Judicial Magistrate NO.II, Kumbakonam, every day at 10.30 a.m., until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to 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 his absence, as directed by the trial Court.

(N.ANAND VENKATESH J.) (P.DHANABAL J.)
09-03-2026

To

1.The Judicial Magistrate No.II, Kumbakonam.

2.Special Court for trial cases under SC/ST (POA) Act, Kumbakonam;

3. The Inspector of Police
Kumbakonam Taluk Police Station
Thanjavur District.

4.The Additional Public Prosecutor

Madurai Bench of Madras High Court, Madurai.