



CRL MP(MD) NO. 1360 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09-06-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

AND

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRL MP(MD) NO. 1360 of 2026 in CRL.A.(MD).No.103 of 2026

Suresh @ Sureshraj

Petitioner(s)

Vs

1.The State of Tamilnadu,
Rep by The Deputy Superintendent of Police,
Aruppukkottai Town Police Station
Virudhunagar District.
Crime No.263/2020.

2.The Inspector of Police
Aruppukottai Town Police Station
Virudhunagar District.
Crime No.263/2020.

3.Madhavan

Respondent(s)

For Petitioner(s):

Mr.S.G.L.Rishwanth



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For Respondent(s):

Mr.C.Christopher,
Counsel for the State of Tamil Nadu (Criminal Side)

Prayer:

C-60. To suspend the sentence imposed on the petitioner / appellant / sole accused in Spl.SC No.27/2020 dated 10.06.2025 on the file of the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act Cases, Virudhunagar at Srivilliputtur and to enlarge the petitioner on bail till the disposal of the appeal.

ORDER

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

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act Cases, Virudhunagar at Srivilliputtur in Spl.SC No.27/2020 dated 10.06.2025 and enlarge the petitioner on bail pending disposal of the criminal appeal.

2. The case of the prosecution is that the deceased Vignesh and the petitioner are friends and that the deceased belongs to Scheduled Caste community. Ten days prior to the occurrence, the deceased borrowed a two-wheeler from the petitioner and when the petitioner demanded back his two-wheeler, the deceased evaded on some pretext or the other. In view of the same, there was an enmity against the deceased and it is

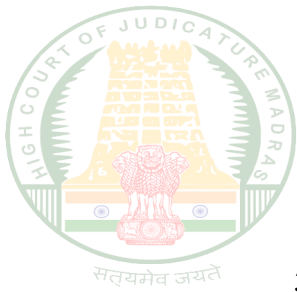


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alleged that the petitioner decided to do away with the deceased. Under such circumstances, on 16.07.2020, the petitioner took the deceased in a two-wheeler and at about 11.50 a.m., the petitioner stabbed the deceased in his front neck-clavicle and sternum and as a result, the deceased succumbed to the injuries. Based on the same, an FIR came to be registered in Crime No.263 of 2020.

3. The trial Court on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the prosecution has proved the case beyond reasonable doubts and accordingly, convicted the petitioner for offence under Section 302 IPC r/w 3(2)(v) of the SC / ST (POA) Act and sentenced to undergo life imprisonment and to pay a fine of Rs.5,000/- in default to undergo three months simple imprisonment. Aggrieved by the same, the present petition has been filed before this Court.

4. Heard the learned counsel on either side.



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5. The entire case of the prosecution hinges upon the circumstantial evidence. The circumstances that were relied upon by the prosecution are:

- “a. Last seen theory;
 - b. Confession and recovery;
 - c. The injuries sustained by the accused person in the same incident;
- and
- d. Motive.”

6. The learned counsel appearing for the appellant brought to the notice of this Court the evidence of P.W.11, wherein, P.W.11 had stated that the petitioner had taken the two-wheeler from one Guna of Aruppukottai and it is in this two-wheeler, the deceased is said to have been taken by the petitioner. The said Guna was not examined in this case and therefore, the evidence of P.W.11 will not substantiate the case of the prosecution insofar as the last seen theory. The learned counsel also submitted that the evidence of P.W.1 and P.W.2 also does not substantiate the last seen theory.

7. Insofar as the confession and recovery is concerned, the evidence of P.W.8 has been relied upon by the prosecution for the recovery of the knife.

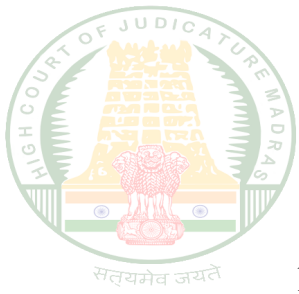


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8. The other circumstance that has been relied upon by the prosecution is the injury sustained by the accused person. P.W.18 has been examined by the prosecution. The learned counsel by pointing out to the evidence of P.W.18 submitted that the said evidence cannot be completely relied upon and come to a conclusion that the accused person had sustained injury in the alleged incident.

9. The learned counsel for the State of Tamil Nadu (Criminal Side) submitted that the trial Court has satisfied itself on the various circumstances that were proved by the prosecution and had rightly convicted and sentenced the accused person. The learned counsel for the State of Tamil Nadu (Criminal Side) submitted that there are no previous cases against the petitioner.

10. It is brought to the notice of this Court that the third respondent died during the pendency of this appeal and the Death Certificate has also been placed before this Court. Therefore, notice has been returned.



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11. Apart from the grounds that have been raised by the learned counsel appearing for the petitioner / appellant, this Court finds that there is no clinching evidence to substantiate or prove the offence under Section 3(2)(v) of the SC / ST Act. A prima facie case has been made out and it is seen that the petitioner is suffering incarceration from June 2025 onwards and there are no previous cases against the petitioner and it will take some more time to deal with the appeal on merits and hence, this Court is 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 is directed 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 Sessions Judge, Special Court for Trial of SC/ST (POA) Act Cases, Virudhunagar at Srivilliputtur.

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 passbook to ensure their identity.



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iii. The petitioner shall appear and sign before the trial Court at 10.30 a.m., on the first working day of every English calender month, till the disposal of the Criminal Appeal.

(N.ANAND VENKATESH J.) (P.B.BALAJI J.)
09-06-2026

TSG

To

1.The Sessions Court, Special Court for trial of SC/ST (POA) Act Cases,
Virudhunagar at Srivilliputtur.

2. The Deputy Superintendent of Police,
Aruppukkottai Town Police Station
Virudhunagar District.

3.The Inspector Of Police
Aruppukkottai Town
Police Station
Virudhunagar District.

4.The Superintendent of Prisons, Central Prison, Madurai.

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