



CRL MP(MD). No.707 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 06.04.2026

CORAM

**THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH
AND**

THE HONOURABLE MR JUSTICE K.K. RAMAKRISHNAN

**CRL MP(MD). Nos.707 of 2026
in
Crl.A(MD).No.51 of 2026**

Manga @ Vaithiyalingam

... Petitioner

Vs

Inspector of Police,
Alangulam Police Station,
Tenkasi District.
Crime No.385 of 2015.

... Respondent

PRAYER :- To suspend the sentence imposed against the petitioner in S.C. No. 173 of 2016 on the file of the Honourable Additional District and Sessions Court (Fast Track Court), Tenkasi District dated 26.02.2025 and release the petitioner on bail till the disposal of the appeal.

For Petitioner : Dr.R.Alagumani

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



CRL MP(MD). No.707 of 2026

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 (Fast Track Court), 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 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



CRL MP(MD). No.707 of 2026

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 A3.

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.

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,



CRL MP(MD). No.707 of 2026

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.

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



CRL MP(MD). No.707 of 2026

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 five previous cases against the petitioner out of which two cases were prior to the case in hand and three cases after the incident.

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 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 takes into consideration the previous cases against the petitioner.



CRL MP(MD). No.707 of 2026

WEB COPY

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 (Fast Track Court), 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

(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.A.V., J.] & [K.K.R.K., J.]

06.04.2026

PKN

6/9



WEB COPY



CRL MP(MD). No.707 of 2026



CRL MP(MD). No.707 of 2026

To

WEB COPY

1. The Additional District and Sessions Court (Fast Track Court),
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.



WEB COPY



CRL MP(MD). No.707 of 2026

N.ANAND VENKATESH,J.
and
K.K. RAMAKRISHNAN,J.

PKN

CRL MP(MD). No.707 of 2026
in
CrI.A(MD).No.51 of 2026

Date : 06.04.2026