



Crl.M.P(MD)No.20132 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 18.02.2026

Delivered on : 23.02.2026

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

Crl.M.P(MD)No.20132 of 2025
in Crl.A(MD)No.1274 of 2025

R.Manikandan

... Petitioner/Proposed 2nd Respondent
Vs.

1.R.Karmegam

...1st Respondent/Appellant

2.State rep. By

The Inspector of Police,

S.S.Colony Police Station,

Madurai City, Madurai District.

... 2nd Respondent/1st Respondent

PRAYER: Petition filed under Section 528 of BNSS seeking to permit the petitioner, the proposed respondent No.2 and allow the implead petition and consequently dismiss the criminal appeal in Crl.A(MD)No.1274 of 2025.

For Petitioner : Mr.T.Moha, Senior Counsel
for Mr.J.Pandi Durai

For R1 : Mr.C.Anantharangan,Senior Counsel
for Mr.R.Manoharan

For R2 : Mr.B.Nambi Selvan, APP



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ORDER

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This Criminal Miscellaneous Petition is filed by the defacto complainant/victim seeking to implead himself as the proposed respondent No.2 in the appeal.

2. Briefly stated, the case of the prosecution is that P.W.1-Hariharasudhan was running a Hotel in the name and style of "Gowrikrishna Hotel" and P.W.2-Manikandan/defacto complainant/victim is his foster brother. While so, the accused 1 to 3 encroached upon the land belonging to the Highways Department, constructed a Law Office and obstructed the ingress and egress to the Hotel run by P.W.1. Hence, P.W.1 gave a complaint to the Revenue Divisional Officer, who conducted an enquiry. In his enquiry report, the Revenue Divisional Officer, recorded that the appellant had encroached the land belonging to the Highways Department. The appellant therefore developed a grudge against P.W.1 and P.W.2, pursuant to which, the appellant/accused hatched a conspiracy to commit murder of P.W.1 and P.W.2. In furtherance of the said conspiracy, on 23.04.2016 at about 5.30 p.m, A1 to A3 went to the Hotel and called out P.W.1 and P.W.2. When P.W.2 came out, the first accused broke the CCTV camera and the glass door of the Hotel. On hearing the noise, P.W.1 came out and on seeing him, the first accused with the criminal intent



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of murdering him, drove his car right into the hotel by chasing PW1 The accused rammed the car into the hotel, endangering the lives of the people in the restaurant and also causing severe damage to the Hotel property. Under the circumstances, a complaint (Ex.P.1) was lodged by P.W.2. Based on the complaint, a case was registered on 23.04.2016, against the accused persons for the offences under Sections 109, 294(b), 307, 337, 448 and 506(ii) r/w 34 IPC and under Section 3 of TNPPDL Act. On completion of investigation, a charge sheet was filed and the same was taken on file in S.C.No.28 of 2024 by the learned V Additional District Judge, Madurai.

3. After a full-fledged trial, the Trial Court passed the impugned judgment dated 14.11.2025 convicting and sentencing the accused as follows:

S.No.	Conviction u/s	Sentence Awarded
1.	294(b) IPC	To undergo one month R.I
2.	307 IPC	To undergo 8 years RI with a fine of Rs.5000/-, in default to undergo 6 months R.I
3.	323 IPC (2 counts)	To undergo 6 months R.I for each count
4.	448 IPC	To undergo 6 months R.I
5.	3(1) of TNPPDL Act	To undergo 4 years RI, a fine of Rs.5000/- in default to undergo 6 months R.I



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4. Aggrieved by the said judgment, the first accused filed the above appeal.

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5. Pending appeal, P.W.2/the defacto complainant/victim filed the present petition seeking to implead himself in the appeal.

6. The petitioner in the affidavit filed in support of the present petition, has also made some averments touching upon the suspension of sentence application. Those averments are not germane to the present application. For the sake of brevity, only those averments relevant to the present impleading petition are referred to.

7. According to the petitioner, the appellant/A1 is a history sheeter borne in H.S.No.18 of 2016 on the file of C3 S.S.Colony Police Station, Madurai. It is further stated that the appellant, who is an Advocate by profession, has got eight previous cases and was also debarred from practice by the Tamil Nadu Bar Counsel for seven years. The said order was subsequently confirmed by the Hon'ble Supreme Court in Civil Appeal No.7096 of 2025. The petitioner contends that he is entitled to be impleaded and to participate in the appeal. Hence, he prayed that the petition may be allowed.

8.An Objection has been filed by the second respondent/State.



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9.The accused, 1st respondent herein did not file a counter to the petition.

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10.The second respondent herein, contended *inter alia*, that Section 24(8) of Cr.P.C applied only to proceedings before the Trial Court and not to appellate proceedings. It was further contended that the judgment relied upon by the petitioner was not applicable to the facts of the present case. According to the second respondent, the petition is devoid of merits and was liable to be dismissed.

11. Mr.T.Mohan, learned Senior Counsel appearing for the defacto complainant/victim/proposed second respondent in the appeal submitted that the petitioner has right to participate in the criminal proceedings including the right to be impleaded, the right to know, right to be heard and right to assist the Court to lay bare out the truth. The learned Senior Counsel relied on the following judgments in support of his contentions:

(a) ***2019(2)SCC 752 (Mallikarjun Kodagali (Dead) rep. Through Lrs.Vs.State of Karnataka and others;***

(b) ***2022 (9) SCC 321 (Jagjeet Singh and Others vs. Ashish Mishra @ Monu and Another);*** and

(c) ***2022(7)SCC 628 (Jawinder Singh (Dead) through LRs Vs. Novjoth Singh Sidhu and Others).***



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12. Mr.C.Anantharangan, learned Senior Counsel, appearing for the appellant/ first respondent herein, submitted that the judgment, of the Hon'ble Supreme Court of India, relied on by the learned Senior counsel for the petitioner, had no relevance to the factual situation of the present case. The learned Senior Counsel, relying on the judgment of a Hon'ble Division Bench of this Court dated 29.08.2025 in **Crl.M.P.No.18831 and 18832 of 2023 in Crl.A.No.531 of 2021**, submitted that the Hon'ble Division Bench, after referring to a catena of judgments of the Hon'ble Supreme Court of India, including the one relied on by the learned Senior Counsel for the petitioner, held that the victim was not entitled to oppose the suspension of sentence application and therefore, the petitioner had only a right to assist the learned Public Prosecutor only in the final hearing of the appeal.

13. Heard both sides and perused the materials available on record.

14. The short point for consideration is whether the impleading application deserves to be allowed and to what extent, an opportunity of fair and effective hearing should be afforded to the petitioner?



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15. The Hon'ble Supreme Court in ***Mallikarjun Kodagali (Dead) rep.***

Through LRs Vs. State of Karnataka and others reported in **2019 (2) SCC 751**, in the context of the right of a victim to file an appeal against the order of acquittal held that the proviso to Section 372 Cr.P.C must be given a meaning that is realistic, liberal, progressive and beneficial to the victim. The Apex Court, in the said judgment, traced the beginnings of the concept of victimology to the Declaration of Basic Principles of Justice for victims, abuse of power, adopted by the General Assembly of the United nations in the 96th Plenary Session on 29.11.1985.

16. The Hon'ble Supreme Court in ***Jagjeet Singh vs. Ashish Mishra*** reported in **(2022) 9 Supreme Court Cases 321**, while considering the challenge to a bail order by the victim, also considered the right of the victim to be heard. In paragraph Nos.22, 23, 24, 24.1 and 24.02 of its judgment, it was held as follows:

22. It cannot be gainsaid that the rights of a victim under the amended CrPC are substantive, enforceable, and are another facet of human rights. The victim's right, therefore, cannot be termed or construed restrictively like a brutum fulmen". We reiterate that these rights are totally independent. incomparable, and are not accessory or auxiliary to those of the State under the CrPC. The presence of "State" in the



proceedings, therefore, does not tantamount to according a hearing to a "victim" of the crime.

23. A "victim" within the meaning of CrPC cannot be asked to await the commencement of trial for asserting his/her right to participate in the proceedings. He/She has a legally vested right to be heard at every step post the occurrence of an offence. Such a "victim" has unbridled participatory rights from the stage of investigation till the culmination of the proceedings in an appeal or revision. We may hasten to clarify that "victim" and "complainant/informant" are two distinct connotations in criminal jurisprudence. It is not always necessary that the complainant/informant is also a "victim", for even a stranger to the act of crime can be an "informant", and similarly, a "victim" need not be the complainant or informant of a felony.

24. The abovestated enunciations are not to be conflated with certain statutory provisions, such as those present in the Special Acts like the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, where there is a legal obligation to hear the victim at the time of granting bail. Instead, what must be taken note of is that:

24.1. First, the Indian jurisprudence is constantly evolving, whereby, the right of victims to be heard, especially in cases involving heinous crimes, is increasingly being acknowledged.



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24.2. *Second, where the victims themselves have come forward to participate in a criminal proceeding, they must be accorded with an opportunity of a fair and effective hearing. If the right to file an appeal against acquittal. is not accompanied with the right to be heard at the time of deciding a bail application, the same may result in grave miscarriage of justice. Victims certainly cannot be expected to be sitting on the fence and watching the proceedings from afar, especially when they may have legitimate grievances. It is the solemn duty of a court to deliver justice before the memory of an injustice eclipses"*

17. Pertinently the Hon'ble Supreme Court of India, in the aforesaid judgment, recognized not only the right of the victim to file an appeal against the acquittal order, but also recognized his/her right to be heard at the time of deciding the bail application. The aforesaid judgment of the Hon'ble Supreme Court was followed in a subsequent case in ***Jaswinder Singh (Dead through Legal representative vs. Navjoth Singh Sidhu and others*** reported in (2022) 7 SCC 628. The Hon'ble Supreme Court in paragraph No.30 of the judgment interestingly extended the right of the victim to participate and to be heard to her guardians and legal heirs also and declared that the presence of the State "does not tantamount to according a hearing to the "victim" of the crime". Paragraph No.30 of the judgment reads as follows:-



30. *We may also take note of the recent judgment of this Court decided by a three-Judge Bench on 18-4-2022 in Jagjeet Singh v. Ashish Mishra albeit, on the issue of bail. It emphasised the victim's right to be heard. What is relevant for us to note is that the victim being the de facto sufferer of a crime had no participation in the adjudicatory process. The current ethos of criminal justice dispensation to prevent and punish crime had surreptitiously turned its back on the victim. No doubt in the present case at every stage the victim has been heard and the present application is also by the victim. The near and dear ones whether as guardians or legal heirs are required to be treated as victims. It was, thus, observed in SCC para 22 as under:*

"22. It cannot be gainsaid that the right of a victim under the amended CrPC are substantive, enforceable, and are another facet of human rights. The victim's right, therefore, cannot be termed or construed restrictively like a brutum fulmen. We reiterate that these rights are totally independent. incomparable, and are not accessory or auxiliary to those of the State under the CrPC. The presence of "State" in the proceedings, therefore, does not tantamount to according a hearing to a "victim" of the crime."

18. The learned Senior counsel for the first respondent submitted that the Division Bench of this Court in Crl.M.P.Nos.18831 and 18832 of 2023 in Crl.A.No.



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531 of 2021, dated 29.08.2025, had an occasion to deal with the rights of a victim of crime to participate and be heard in an application for suspension of sentence. The learned Senior counsel submitted that after referring to the aforesaid judgments of the Hon'ble Supreme Court, the Division Bench of this Court rejected the plea of the victim's counsel to be heard in the application. The learned counsel, therefore submitted that in view of the aforesaid judgment of the Division Bench this Court, the relief in the present impleading application should be restricted to participation in the main appeal and that too, by way of assisting the State counsel and the petitioner has no right to be heard in the suspension of sentence application.

19. It is a fact that the Division Bench in Crl.M.P.Nos.18831 and 18832 of 2023 in Crl.A.No.531 of 2021, rejected the plea of the victim to be heard in the suspension of sentence application. However, the facts of the case reveal that in the said case, the learned counsel for the victim wanted to make oral submissions against the suspension of sentence of the petitioner therein. The Division Bench of this Court in more than one place in the judgment pointed out that the victim had not come forward with a written application seeking permission to intervene in the proceedings. The Division Bench of this Court in the absence of a formal permission to intervene, was of the view that the oral opposition was not contemplated under the



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provisions of the Code of Criminal Procedure, and further, it was against the principles of natural justice. The fact situation in the Division Bench judgment is clearly distinguishable from this case and therefore, this Court is of the view that the Hon'ble Division Bench judgment in Crl.M.P.Nos.18831 and 18832 of 2023 in Crl.A.No.531 of 2021, is not applicable to this case.

20. The Hon'ble Supreme Court in the judgment of the Constitutional Bench case in **Padma Sundara Rao (dead) and others vs. State of Tamilnadu and others, (2002) 3 SCC 533**, held as follows:

"9. Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. There is always peril in treating the words of a speech or judgment as though they are words in a legislative enactment, and it is to be remembered that judicial utterances are made in the setting of the facts of a particular case, said Lord Morris in Herrington v. British Railways Board [(1972) 2 WLR 537: 1972 AC 877 (HL) (Sub nom British Railways Board v. Herrington, (1972) 1 All ER 749 (HL))]. Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases."



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In the Division Bench judgment, this Court found that no written application was filed and only oral submissions were made to intervene in the suspension of sentence application, and therefore the Hon'ble Division Bench did not deem it fit to permit the victim to participate or be heard in the suspension of sentence application. Therefore, this Court finds that in the context of oral submission made by the victim's counsel in the said case, the Division Bench, took a view that the victim was not entitled to intervene in an application for suspension of sentence.

1. Under the factual scenario, this Court is of the considered view that the said judgment of the Division Bench cannot override the law laid down by the Hon'ble Supreme Court of India in **Jagjeet Singh's** case cited *supra*, wherein the Hon'ble Supreme Court in paragraph No.24.02 categorically held that when the victims themselves come forward to participate in a criminal proceedings, they must be accorded with an opportunity of a fair and effective hearing. The Apex Court unequivocally stated that the right to file an appeal against acquittal, if not accompanied with a right to be heard at the time of deciding a bail application, the same may result in grave miscarriage of justice.
- 2.



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22. The appellant is not a person of ordinary background, but one with criminal antecedents. History Sheet [H.S.No.18/2016] is maintained against him and he has been debarred to practice as an Advocate, reflecting a persistent and conscious disregard of the rule of law. The appellant's antecedents clearly establish his persistent disregard of the law. This Court, upon a perusal of the materials placed on record, is of the view that the petitioner has demonstrated sufficient and legitimate interest in subject matter of appeal. The right of the victim to be heard at every step starting from the point of the occurrence of the offence till the dismissal of the appeal or revision being recognized by the Hon'ble Supreme Court of India, this Court is of the view that the petitioner is entitled to be impleaded in the appeal. This Court is of the further view that the right to participate in the appeal proceedings cannot be considered in a narrow and pedantic manner so as to exclude participation in the suspension of sentence application since the outcome of the interim application has also a bearing on the appeal. The object of Section 24(8) Cr.P.C is to ensure meaningful participation of the victim in the criminal justice process and the victim should therefore receive a purposeful and liberal participation. Merely allowing the petitioner to come on record as a impleaded party will be an empty formality since in the words of the Hon'ble Supreme Court of India, the rights of the victim cannot be termed or construed restrictively like a *brutum fulmen* i.e



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meaningless or may be threat. In the light of the progressive evolution of victim-centric jurisprudence, any restrictive interpretation would be regressive and legally unwarranted. Given the expanded evolution of the victim centric jurisprudence, to constrict those rights now will be both redundant and retrograde step. In view of this, any narrow conception at this stage would defeat the very progress achieved in the victim rights jurisprudence. This Court is therefore satisfied that the presence of the petitioner is necessary for complete and proper adjudication of all the issues involved in the appeal including the interim application for suspension of sentence.

23. In fine, the impleading application is **allowed** recognizing the right of the petitioner to be heard in all the proceedings connected with the appeal including the suspension of sentence application.

23.02.2026

AP

Index : Yes

Internet : Yes

NCC : Yes

Speaking Order: Yes



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To

1.The Inspector of Police,
S.S.Colony Police Station,
Madurai City, Madurai District.

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



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Crl.M.P(MD)No.20132 of 2025

N.MALA., J.

AP

Order made in

Crl.M.P(MD)No.20132 of 2025
in Crl.A(MD)No.1274 of 2025

23.02.2026



Crl.M.P(MD)No.20132 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated 26.02.2026

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

Crl.M.P(MD)No.20132 of 2025
in Crl.A(MD)No.1274 of 2025

R.Manikandan

... Petitioner/Proposed 2nd Respondent
Vs.

1.R.Karmegam

...1st Respondent/Appellant

2.State rep. By
The Inspector of Police,
S.S.Colony Police Station,
Madurai City, Madurai District.

... 2nd Respondent/1st Respondent

For Petitioner : Mr.T.Mohan, Senior Counsel
for Mr.J.Pandi Durai

For R1 : Mr.C.Anantharangan,Senior Counsel
for Mr.R.Manoharan

For R2 : Mr.B.Nambi Selvan, APP

ORDER

(1)Today, the above matter is posted under the caption "for Being Mentioned" at the instance of the learned counsel for the petitioner/proposed 2nd respondent on record.



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(2)The learned counsel submitted that there is a typographical error in the cause title as regards the name of the learned Senior Counsel who appeared for the petitioner / proposed 2nd respondent. The learned counsel submitted that instead of "Mr.T.Mohan", it has been typed as "Mr.T.Moha". The learned counsel further submitted that in the aforesaid miscellaneous petition, the objection was filed by the 1st respondent and not the 2nd respondent/State. However, in paragraphs No.8 and 9, the rank of the respondents in filing the objection/counter, has been interchanged. Hence, the learned counsel prayed for appropriate orders.

(3)Heard both sides and perused the order dated 26.02.2026.

(4)It is seen that due to typographical error, the name of the learned Senior Counsel has been wrongly typed. Further, due to inadvertence, the rank of the respondents in filing the objection/counter has been wrongly typed.

(5)Hence, the Registry is directed to carry out necessary correction in the cause title by mentioning the name of the learned Senior Counsel as **"Mr.T.Mohan"**.

(6)Further, paragraphs No 8 and 9 reads as follows:-

"8.An Objection has been filed by the 1st respondent/appellant/accused.

9.The 2nd respondent/State did not file a counter to the petition."



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(7)Registry is also directed to incorporate the above paragraphs as paragraphs No.8 and 9 in the original order dated 26.02.2026 and issue fresh order copy forthwith.

26.02.2026

AP

Internet : Yes
To

1.The Inspector of Police,
S.S.Colony Police Station,
Madurai City, Madurai District.

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



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AP

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