



CRL MP(MD) NO. 147 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18-03-2026

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

AND

THE HONOURABLE MR. JUSTICE P.DHANABAL

CRL MP(MD) NO. 147 of 2026 in CRL A(MD).NO.8 of 2026

Mookkammal
(Now confined at Central Prison
Madurai)

Petitioner(s)

Vs

State Of Tamilnadu,
Rep By Inspector Of Police, Nalattinpudur
Nalattinpudur Police Station,
Thoothukkudi District.
Crime No.74/2019

Respondent(s)

For Petitioner(s):

Mr.Anandhapadmanabhan
for M/s.APN Law Associates

For Respondent(s):

Mr.E.Antony Sahaya Prabahar, Additional Public Prosecutor

Prayer:

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To Suspend the Substantive sentence of imprisonment rendered on 01.12.2025 passed by the Learned I Additional District and Sessions Judge, Thoothukudi in S.C.No.274 of 2019 pending disposal of appeal and thus render justice.

ORDER

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

This petition has been filed by the petitioner seeking for suspension of the sentence imposed in the judgment made in S.C No 274 of 2019 dated 01.12.2025 passed by the learned I Additional District and Sessions Judge, Thoothukudi and to enlarge the petitioner on bail.

2. The case of the prosecution is that the accused person is the daughter of the deceased Subbiah. The accused person got divorce from her husband and was residing at Sakkarathalvar Nagar, Nalattinpudur. The further case of the prosecution is that the accused person used to demand money from her father for meeting her domestic expenses and on many occasions, the deceased is said to have refused to give money and scolded the accused person. Keeping this in mind, on the fateful day on 03.05.2019



at about 02.30 a.m., the deceased is said to have entered into the house and poured petrol on the deceased and set him on fire. As a result, the deceased sustained 100% burn injuries and died.

3. The trial Court convicted the accused for the offence under Section 302 of IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.10,000/- in default to undergo three months simple imprisonment.

4. The learned Senior Counsel appearing on behalf of the petitioner submitted that the entire case of the prosecution hinges upon the dying declaration of the deceased and that the dying declaration that was relied upon is far from satisfactory while considering the same along with other materials that are available and therefore, without any corroboration, the trial Court ought not to have convicted and sentenced the petitioner only by relying upon the dying declaration. Apart from that, the learned Senior Counsel submitted that the mental status of the petitioner has also been noted while registering the First Information Report. This issue has not been properly considered by the trial Court.



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5. Per contra, the learned Additional Public Prosecutor appearing for the respondent submitted that the trial Court had considered the dying declaration in the light of P.W.16 and had come to a conclusion that the prosecution has proved the case beyond reasonable doubts. Insofar as the mental status of the accused person is concerned, the learned Additional Public Prosecutor placed before this Court the Certificate of the Assistant Surgeon, Central Prison for Women, Madurai. On going through the same, it is seen that the accused person suffers from bouts of Schizophrenia and was taking medications. Based on the Psychiatrist opinion, the medication is administered on the accused person and she is taking those medications inside the jail. Apart from that, the Assistant Surgeon was also in the process of sending the accused to the Institute of Mental Health, Chennai for further treatment.

6. Considering the grounds raised on the side of the petitioner and also taking note of the mental condition of the petitioner, we deem it fit to deal with the case on merits. A prima facie case has also been made out. The accused person has suffered incarceration from December 2025



onwards. There are no previous cases pending against the accused person and it will take some more time to take up the appeal for final hearing.

Hence, 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 is directed to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, (out of which one surety shall be the son of the petitioner) each for a like sum to the satisfaction of the learned I Additional District and Sessions Judge, Thoothukudi.

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.

iii. The petitioner shall appear and sign before the trial Court at 10.30 a.m., on the first working day of every English calendar month, until further orders.



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iv. Considering the mental status of the petitioner, there shall be a direction to the son of the petitioner to take care of the petitioner and give her proper treatment.

(N.ANAND VENKATESH J.) (P.DHANABAL J.)
18-03-2026

TSG

To

1.The I Additional District and Sessions Judge, Thoothukudi.

2.The Inspector Of Police, Nalattinpudur,
Nalattinpudur Police Station
Thoothukkudi District.

3.The Central Prison for Women, Madurai.

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