

Crl.M.P.No.5045 of 2016
in
CRL.A.No.329 of 2016

V.BHARATHIDASAN, J.

The petitioners are the accused in this case. A1 has been convicted for the offence under section 307 IPC and sentenced to undergo five years rigorous imprisonment and to pay fine of Rs.1000/- and in default, to undergo four months simple imprisonment for the offence under Section 307 IPC and A2 and A3 have been convicted for the offence under section 307 r/w.34 IPC and sentenced to undergo three years rigorous imprisonment each and to pay fine of Rs.1000/- each and in default to undergo four months simple imprisonment, by the judgment of the learned Sessions Judge, Mahila Court, Thiruvallur in S.C. No.32/2013 dated 22.04.2016. Hence the petitioners have come forward with this petition seeking for the relief of the suspension of sentence pending appeal.

2. The case of the prosecution is that the petitioners have attacked the victim and caused injuries and hence the present case has been registered.

3. The learned counsel for the petitioners would contend that the prosecution has not proved its case beyond reasonable doubt and the same

suffers from serious infirmities and inconsistencies. Hence, it is submitted that the sentence of imprisonment of the petitioners may be suspended.

4. Per contra, learned Additional Public Prosecutor contended that the entire case is based on oral and documentary evidence and the Trial Court correctly appreciated the same and convicted the appellant and there is no infirmity or irregularity in the judgment of the Trial Court.

5. This Court carefully considered the rival contentions put forward by either side and also perused the entire materials available on record including the impugned judgment of conviction. The only overt act alleged against the first petitioner is that she stabbed the injured person on her stomach with knife and it pierced through her back and the second and third petitioners aided the first petitioner in causing injuries to the victim. But the medical evidence does not corroborate the prosecution case and the sentence on the other accused has already been suspended. A perusal of the materials on records and the contentions of the learned counsel for the petitioner shows that there are arguable points involved in this appeal.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioners as he

has pointed out several infirmities in the prosecution case in respect of the petitioners and that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioners herein are entitled for the relief of suspension of sentence.

7. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail on condition that each petitioner shall execute a bond for a sum of Rs.10,000/- [Rupees ten thousand only] with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Thiruvallur, and on further condition that the petitioners shall appear before before the concerned Court on the first working day of every month at 10.30 a.m., until further orders.

12.05.2016

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