

Crl.M.P.No.7685/16 in Crl.A.No.548/16

S.NAGAMUTHU, J.
AND
V.BHARATHIDASAN, J.

(Order of the Court was made by **S.NAGAMUTHU, J.**)

The appellant is the sole accused in S.C.No.57 of 2015 on the file of the learned III Additional District and Sessions Judge, Cuddalore at Vridhachalam. She has been convicted for offence under Section 302 IPC and sentenced to undergo imprisonment for life and to pay a fine of Rs.1,000/-, in default, to undergo rigorous imprisonment for two years. Challenging the said conviction and sentence, the appellant has come up with this appeal. Pending appeal, she seeks suspension of sentence.

2. We have heard the learned counsel for the petitioner/appellant, the learned Government Advocate (criminal side) appearing for the State and also perused the materials on record.

3. This is a case based on circumstantial evidence. P.W.8 in this case is an important witness, who is expected to speak about the fact that the deceased was last seen in the company of the accused just before the occurrence at or about the place of occurrence. Unfortunately, P.W.8 turned hostile and he does not support the case

of the prosecution. Other than that, the evidence available relates only to motive.

4. Prima facie, we are satisfied that there are arguable points in favour of the petitioner. The petitioner was on bail throughout the trial. There is absolutely no likelihood of absconding.

5. For all the above facts, this Court is inclined to suspend the substantive sentence of imprisonment of the petitioner/accused.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the 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 District Munsif cum Judicial Magistrate, Neyveli and on further condition that the petitioner shall report before the Committal Court on the first working day at 10.30 a.m. of every English Calendar month, until further orders.

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**[S.N.,J.] [V.B.D.J.,]
26.08.2016**

S.NAGAMUTHU, J.

AND
V.BHARATHIDASAN, J.

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