



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Fourth day of November Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice S.NAGAMUTHU
and
The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL MP (MD) No.10165 of 2016
IN
CRL A (MD) No.391 of 2016

ARUMUGAM

... PETITIONER/PETITIONER

Vs

THE STATE,
THE INSPECTOR OF POLICE,
PALANI TALUK POLICE STATION,
DINDIGUL DISTRICT.

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge him on bail by suspending the sentence imposed on him in S.C NO. 33 of 2013 by the Magalir Neethimandram (Fast Track Court) Dindigul dated 29.02.2016 pending disposal of the above Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.D.VENKATESH, Advocate for the petitioner and of MR.R.RAMACHANDRAN, Additional Public Prosecutor, on behalf of the Respondent and the Court made the following order:-

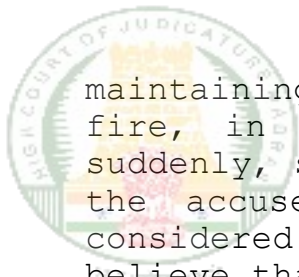
[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner is the sole accused in S.C.No.33 of 2013 on the file of the Magalir Neethimandram (Fast Track Mahila Court), Dindigul. By judgment dated 29.02.2016, he has been convicted for the offence punishable under Section 302 of the Indian Penal Code and sentenced to undergo imprisonment for life and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for one year. Challenging the said conviction and sentence, the petitioner has come up with the present Criminal Appeal. Pending appeal, he seeks suspension of sentence.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the State. We have also perused the records carefully.

<https://hcservices.ecourts.gov.in/hcservices/>

3. It is seen from the evidence of P.Ws.1 and 4 that for about four days, when the deceased was in the hospital, she was



maintaining that by accident, the kerosene can fell down and got fire, in which, she sustained injuries. But, after four days, suddenly, she told P.Ws.1 and 4, namely the father and mother, that the accused only poured kerosene and set fire. This, in our considered view, is a major contradiction. There are reasons to believe that for four days, the deceased has been tutored.

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4. In such view of the matter, we hold that there are arguable points and, therefore, the petitioner is entitled for suspension of sentence.

5. In the result, the petition is allowed and the substantive sentence of imprisonment imposed on the petitioner/sole accused alone is suspended pending disposal of the above said Crl.A.(MD) No.391 of 2016 and the petitioner is directed to be enlarged on bail on his executing 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 Judicial Magistrate, Palani, subject to a condition that he shall report before the Committal Court, once in a month, i.e., on the first working day of every English Calendar month at 10.30 a.m. until further orders.

sd/-

04/11/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE MAGALIR NEETHIMANDRAM, (FAST TRACK MAHILA COURT), DINDIGUL.
- 2 THE JUDICIAL MAGISTRATE, PALANI, DINDIGUL DISTRICT.
- 3 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
- 4 THE INSPECTOR OF POLICE, PALANI TALUK POLICE STATION, DINDIGUL DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 6 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1CC to M/S.D.VENKATESH, ADVOCATE SR.No. 66093

ORDER IN

CRL MP(MD) No.10165 of 2016

IN CRL A(MD) No.391 of 2016

Date :04/11/2016

msm/sk-skn/sar3/04.11.16/p2/8c