



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

Friday, the Seventh day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.NAGAMUTHU

and

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL MP (MD) No.4744 of 2016

IN

CRL A(MD) No.214 of 2016

LOGENDRAN

..PETITIONER/APPELLANT/
SOLE ACCUSED

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
VARUSANADU POLICE STATION,
THENI DISTRICT.
(CR.NO. 65 OF 2011)

..RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence passed by the learned Sessions Judge, Mahalir Neethi Mandram, (Fast Track Mahila Court), Theni made in S.C.No.58 of 2013 dated 08.03.2016 and enlarge the petitioner on bail pending disposal of Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S C.M.GANESAN, Advocate for the petitioner and of Mr.C.MAYIL VAHANA RAJENDRAN, Addl.Public Prosecutor on behalf of the Respondent, 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.58 of 2013 on the file of the learned Sessions Judge, Mahalir Neethi Mandram (Fast Track Mahila Court), Theni. He stood charged for the offences punishable under Sections 302 and 201 of the Indian Penal Code. By judgment dated 08.03.2016, the Trial Court has convicted him under both charges and sentenced him to undergo imprisonment for life and to pay a fine of Rs.10,000/-, in default, to undergo rigorous imprisonment for one year for the offence punishable under Section 302 IPC and to undergo rigorous imprisonment for 3 years and to pay a fine of Rs.1,000/-, in default, to undergo rigorous imprisonment for 3 months for the offence punishable under Section 201 IPC. 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.

3. This is a case based on circumstantial evidence. The deceased, in this case, is none else than the wife of the accused. It is the case that suspecting the fidelity of the deceased, on 23.05.2011, during the night hours, the accused killed his wife, carried the dead body to a distant place and buried it. He did not disclose about the same to anybody and he did not also make complaint to anybody. His father-in-law, after having noticed that the deceased was not seen, made a complaint on 11.06.2011. Thereafter, since the police would have had some suspicion about him, he surrendered voluntarily before the Village Administrative Officer and confessed that he has killed his wife and buried the dead body. The place, where the dead body has been buried, was identified by him in the presence of witnesses. Then, the Tahsildar exhumed the skeletal remains of the deceased. There is no explanation as to how the accused came to know that the dead body had been buried. There is also no explanation in respect of his conduct in not making any complaint to the police or to inform anybody about the missing of his wife for such a long time. In these circumstances, in our considered view, it is not a fit case to suspend the sentence. The Petition is, therefore, dismissed.

sd/-

07/10/2016

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SESSIONS JUDGE, MAHALIR NEETH MANDRAM,
(FAST TRACK MAHILA COURT), THENI.
- 2 -do-thro' THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, THENI.
- 3 THE ADDL.PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 4 THE INSPECTOR OF POLICE, VARUSANADU POLICE STATION,
THENI DISTRICT.

ORDER IN
CRL MP(MD) No.4744 of 2016
IN
CRL A(MD) No.214 of 2016
Date : 07/10/2016

PBK/CK/SAR-I 19/10/2016 ::2P-5C: