



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

Wednesday, the Twentieth day of January Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice P.R.SHIVAKUMAR

and

The Hon`ble Mr Justice V.S.RAVI

CRL MP(MD) No.479 of 2016

IN

CRL A(MD) No.3 of 2014

NATCHAR

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KARUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CRIME NO. 14/2013)

... RESPONDENT/RESPONDENT

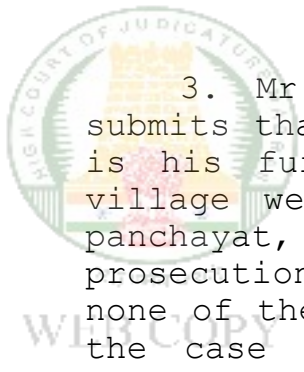
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of Imprisonment imposed by the learned District Sessions Judge (Mahila Court), Pudukkottai in S.C.No. 68 of 2013 by the Judgment dated 27.12.2013 enlarge on bail pending disposal of the above said 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.D.RAMESHKUMAR, Advocate for the petitioner and of MR.K.S.Duraipandian, Additional Public Prosecutor, on behalf of the Respondents the court made the following order:-

(Order of the Court was made by P.R.SHIVAKUMAR, J)

This petition has been filed by the appellant in Crl.A. [MD].No.3 of 2014 for suspension of the substantive sentence of imprisonment imposed on her by the Trial Court, namely, the learned Sessions Judge [Mahila Court], Pudukkottai in S.C.No.68 of 2013 for an offence punishable under Section 302 of the Indian Penal Code. The petitioner was convicted and sentenced to undergo imprisonment for life and to pay a fine of Rs.1,000/- and in default to undergo rigorous imprisonment for six months. She has paid the fine amount.

2. The deceased is none other than the daughter-in-law of the petitioner. According to the case of the prosecution, there was a panchayat over the dispute between the petitioner and her daughter-in-law, namely, the deceased. During the course of the panchayat, the deceased went inside the house of the petitioner to take water and at that time, the petitioner poured kerosene on her and set her on fire.



3. Mr.D.Rameshkumar, the learned counsel for the petitioner submits that there are valid grounds to be argued in the appeal. It is his further contention that though the elders of the entire village were present in the panchayat and in the middle of the panchayat, the said occurrence took place, according to the prosecution case, except the brother and sister of the deceased, none of the villagers, who were present in the panchayat, supported the case of the prosecution and that the said aspect was not properly considered by the Court below.

4. Mr.K.S.Duraipandian, the learned Additional Public Prosecutor while admitting the fact that excepting the brother and sister of the deceased, the others turned hostile, submits that since it is a gruesome murder of pouring kerosene on and setting the daughter-in-law of the petitioner on fire, the petitioner should not be granted the relief of suspension of substantive sentence.

5. We have considered the above rival submissions made on both sides.

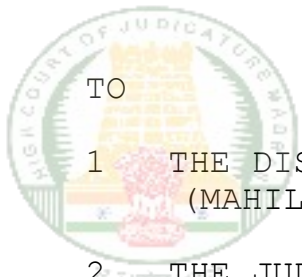
6. Upon such consideration, we are of the view that the petitioner has got valid grounds to be raised in the Criminal Appeal and she has got chances of succeeding in the appeal. It is also an admitted fact that during trial before the Trial Court, the petitioner was on bail and she did not violate any of the conditions on which she had been released on bail. The petitioner is in jail from 27.12.2013 and she has been in jail as a convict for more than two years. The said fact coupled with the fact that the petitioner is a woman shall tilt the balance in favour of the petitioner so far as the grant of suspension of substantive sentence is concerned.

7. In the result, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended and the petitioner shall be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Aranthangi with a further condition that after such release, the petitioner shall appear before the learned Judicial Magistrate, Aranthangi once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal or until further orders.

sd/-
20/01/2016

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



TO

1 THE DISTRICT SESSIONS JUDGE,
(MAHILA COURT) PUDUKKOTTAI.

2 THE JUDICIAL MAGISTRATE,
ARANTHANGI

3 DO THRO' THE CHIEF JUDICIAL MAGISTRATE
PUDUKKOTTAI.

4 THE INSPECTOR OF POLICE
KARUR POLICE STATION, PUDUKKOTTAI DISTRICT.

5 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

6 THE SUPERINTENDENT CENTRAL PRISON, TRICHY.

+1. C.C. to M/S.D.RAMESHKUMAR Advocate SR.No.3108

ORDER

IN

CRL MP (MD) No.479 of 2016

IN

CRL A (MD) No.3 of 2014

Date : 20/01/2016

RG.GSV-AN/SAR-II 21.01.2016 3P.8C