



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

Friday, the Twenty Third day of September Two Thousand Sixteen

PRESENT

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

CRL MP(MD) No.5037 of 2016
IN
CRL A(MD) No.224 of 2016

ANDI @ ANANTH

...PETITIONER/APPELLANT/SOLE ACCUSED
IN BOTH PETITIONS

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
UTCHIPULI POLICE STATION, UTCHIPULI,
RAMANATHAPURAM DISTRICT.
CR. NO.116/2013

... RESPONDENT/RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence and release the petitioner on bail pending disposal of this Criminal Appeal before this Honourable Court against the judgement in S.C.No.94 of 2014 on the file of the Fast Track Mahila Court, Ramanathapuram.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.ALAGUMANI, 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.94 of 2014 on the file of the Fast Track Mahila Court, Ramanathapuram. The Trial Court, vide judgment dated 18.02.2016, has convicted the petitioner for the offence punishable under Section 302 of the Indian Penal Code and sentenced him to undergo imprisonment for life and to pay a fine of Rs.20,000/-, in default, to undergo imprisonment for 3 years. Challenging the said conviction and sentence, the petitioner has come up with the present Criminal Appeal. Pending appeal, he seeks suspension of sentence.



behalf of the State. We have also perused the records carefully.

3. According to the case of the prosecution, the petitioner, who is the husband of the deceased, had stabbed the deceased with a knife on her legs and dragged her into the house and committed murder by strangulating her by using the saree as a ligature. In order to prove the case, on the side of the prosecution, three witnesses, namely, the children and relative of the deceased have been examined as P.Ws.3,4 and 5. They have stated that the accused took the deceased inside the house, where, after sometime, they found the deceased lying dead.

4. From the medical evidence, it is seen that the death is due to suicide by hanging. P.Ws.3 and 4 are child witnesses and the presence of P.W.5, according to the learned counsel, is doubtful. A perusal of the evidence of these witnesses would also show the same.

5. In view of this anomaly found in the prosecution case, we are inclined to suspend the substantive sentence imposed upon the petitioner.

6. 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 CrI.A.(MD) No.224 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, Ramanathapuram, 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/-
23/09/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
RAMANATHAPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT

3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI

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

4 THE JUDGE, FAST TRACK MAHILA COURT, RAMANATHAPURAM.



5 THE JUDICIAL MAGISTRATE No.II, RAMANATHAPURAM

6 THE INSPECTOR OF POLICE
UTCHIPULI POLICE STATION, UTCHIPULI,
RAMANATHAPURAM DISTRICT.

7 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.R.ALAGUMANI, Advocate SR.No.55343

ORDER
IN
CRL MP (MD) No.5037 of 2016
IN
CRL A (MD) No.224 of 2016
Date :23/09/2016

SML
SH/GSV-PM:27.09.2016:3P/9C