



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

Wednesday, the Fifth 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.6595 of 2016

IN

CRL A(MD) No.285 of 2016

V. LAKSHMANAN

... PETITIONER/APPELLANT

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME No.102/2013)

... 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 imposed on the petitioner by the Principal Sessions Judge, Thoothukudi in S.C.No. 10 of 2014 by his judgment dated 28.04.2016 and enlarge the petitioner on bail pending disposal of the above Crl.A(MD)No.285 of 2016.

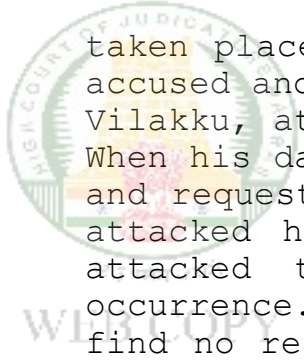
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.MURUGAN, Advocate for the petitioner and of M/S.R.RAMACHANDRAN, Additional Public Prosecutor on behalf of the Respondent the Court made the following order:-

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

The petitioner is the sole accused in S.C.No.10 of 2014 on the file of the learned Principal Sessions Judge, Thoothukudi. He stood charged for the offences punishable under Sections 302 and 307 of the Indian Penal Code (2 counts). He has been convicted under both charges and maximum sentence imposed upon him is imprisonment for life. 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. In this case, the deceased was none else than the wife of the accused. His daughter Valathi @ Vanitha and uncle were also sustained injuries in the very same occurrence. The occurrence has



taken place inside the house due to a domestic quarrel between the accused and his wife. It is stated that the accused took out a Kuthu Vilakku, attacked the deceased and caused her death instantaneously. When his daughter, an innocent child, aged about 9 years, intervened and requested him not to attack her mother, the accused mercilessly attacked her and caused grievous cut injury to her. He has also attacked the other person, who was present in the scene of occurrence. They have vividly spoken about the entire occurrence. We find no reason to disbelieve the evidence of his own daughter, who deposed against the petitioner. Even otherwise, the petitioner has got no explanation as to how his daughter and his wife sustained injury in his very presence inside his house. Thus, the prosecution has made out a very strong case. We are not able to find any infirmity in the judgment of the Trial Court, warranting suspension of sentence. Thus, it is not a fit case to grant suspension of sentence. The petition is, therefore, dismissed.

sd/-

05/10/2016

/ TRUE COPY /

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

TO

- 1.THE PRINCIPAL SESSIONS JUDGE, THOOTHUKUDI
 - 2.THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI, THOOTHUKUDI DISTRICT
 - 3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT
 - 4.THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
 - 6.THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION, THOOTHUKUDI DISTRICT.
- +1. C.C. to M/S R.MURUGAN Advocate SR.No.59226
RL/8C/2P/GSV/PM/SARIII/6.10.2016

ORDER

IN

CRL MP(MD) No.6595 of 2016

IN

CRL A(MD) No.285 of 2016

Date :05/10/2016