



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

Monday, the Twenty Fourth 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.9803 of 2016

IN

CRL A(MD) No.375 of 2016

ASAIMANI

... PETITIONER/APPELLANT.

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
EAST POLICE STATION,
THANJAVUR.
THANJAVUR DISTRICT.

... RESPONDENT/RESPONDENT.

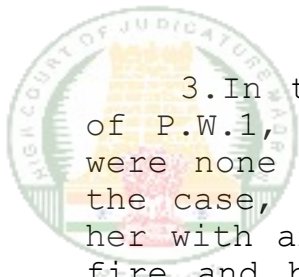
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the execution of the sentence by granting bail in S.C. No. 147 of 2013 on 03.06.2016 (on the file of the Mahila Court (Fast Track) and sessions judge Thanjavur till disposal of this Appeal.

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

(Order of the Court was made by S.NAGAMUTHU, J)

The petitioner/appellant is the sole accused in S.C.No.147 of 2013 on the file of Mahila Court, Fast Track Sessions Court, Thanjavur. He stood charged for the offence under Section 302 (2 counts) IPC. The trial Court, by judgment, dated 03.06.2016, convicted him under both the counts and sentenced him to undergo imprisonment for life, for each count and to pay fine of Rs.1,000/- for each count. Challenging the said conviction and sentence imposed, the petitioner has come up with this appeal. Pending appeal, he seeks suspension of the substantive sentence of imprisonment imposed on him.

2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent and we have also perused the records carefully.



3. In this case, the prosecution mainly relies on the evidence of P.W.1, the son of the deceased and the accused. The deceased were none else than the wife and young son of the accused. It is the case, where the accused set fire to his wife and then attacked her with an iron rod and when the woman fell, the child also caught fire and both of them died. The evidence of P.W.1 - son of the accused is staring at the accused. Though the learned counsel for the petitioner would submit that P.W.1 has admitted during cross examination that he was tutored by his uncle, we found that it would not amount to tutoring or refreshing the memory of the young child. At any rate, there is sufficient evidences, as of now, to sustain the conviction. Prima facie, we are satisfied that it is not a fit case to grant suspension of sentence, where two precious lives have been snatched away. In such view of the matter, we are inclined only to dismiss the petition. Accordingly, this petition is dismissed.

sd/-

24/10/2016

/ TRUE COPY /

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

TO

1 THE MAHILA COURT (FAST TRACK) AND SESSIONS JUDGE,
THANJAVUR.

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

3 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE
EAST POLICE STATION,
THANJAVUR, THANJAVUR DISTRICT.

ORDER

IN

CRL MP(MD) No.9803 of 2016

IN

CRL A(MD) No.375 of 2016

Date : 24/10/2016

AM/SK SKN/SAR-1/02.11.2016/2P/5C