

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Seventh day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S. NAGAMUTHU

and

The Hon`ble Dr Justice ANITA SUMANTH

CRIMINAL MISCELLANEOUS PETITION No.5413 of 2017

IN CRL A.223/2017

RAJA

[PETITIONER/APPELLANT/SINGLE ACCUSED]

Vs

STATE REP.BY

[RESPONDENT / COMPLAINANT]

THE INSPECTOR OF POLICE,
VENNANDUR POLICE STATION,
NAMAKKAL DISTRICT.
CR.NO.24 OF 2015.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence made in S.C.No.35 of 2015 on the file of the District Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Namakkal dated 21.03.2017 and enlarge on bail pending IN CRL.MP.NO.5413 OF 2017

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.S.N.ARUN KUMAR, Advocate for the petitioner and of P.GOVINDARAJAN ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondents the court made the following order:-

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

The petitioner is the sole accused in S.C. No.35 of 2015 on the file of learned District Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Namakkal. He stood charged for the offence under Sec.302 IPC. By judgment dated 21.03.2017, the trial court convicted him for the offence under Sec.302 IPC and sentenced to undergo imprisonment for life and to pay fine of Rs.2,000/-, in default, to undergo six months rigorous imprisonment. Challenging the conviction and sentence, the petitioner has come up with the present appeal. Pending appeal, the petitioner seeks suspension of sentence.

3. We have heard the learned counsel for the appellant, learned Additional Public Prosecutor, appearing for the State and we have also perused the records carefully.

4. Admittedly, this is a case, where the deceased died due to burn injuries. The question is, who set fire on her. It is the positive case of the prosecution itself that due to some domestic quarrel and out of suspicion over the fidelity of the husband viz., the petitioner herein, the deceased poured kerosene on herself and set fire. The allegation is that after pouring kerosene by the deceased on herself, the petitioner set fire. But as per the case of the prosecution, during inquest, it was reported that the deceased had set fire on herself, which resulted in her death. Since, there are arguable points, we find that the case of the petitioner is fit for suspension of sentence.

5. Fine amount has been paid. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute 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, Rasipuram and on further condition that the petitioner shall report before the Committal Court on the first working day at 10.30 a.m of every English Calendar months, until further orders.

-sd/-
27/04/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT SESSIONS JUDGE, MAGALIR
NEETHIMANDRAM (FAST TRACK MAHILA COURT),
NAMAKKAL.

2 THE JUDICIAL MAGISTRATE,
RASIPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VENNANDUR POLICE STATION,
NAMAKKAL DISTRICT.

+1 C.C. to M/S.S.N.ARUN KUMAR Advocate on payment of necessary
charges SR.NO.7930

Order

in
CRL MP.5413/2017

in
CRL A.223/2017

Date :27/04/2017

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