



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

Friday, the Twenty Second day of December Two Thousand Seventeen

PRESENT

**The Hon`ble Mr.Justice A.M.BASHEER AHAMED**

CRL MP(MD) No.11659 of 2017  
IN  
CRL A(MD) No.524 of 2017

1 PRASANNA KUMARI  
2 SIVAKUMAR

... PETITIONER/APPELLANTS/ACCUSED NOS.1&2

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE  
ERANIEL POLICE STATION,  
CRIME NO.654/2012,  
KANYAKUMARI DISTRICT

... RESPONDENT/RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the Execution of sentence by granting bail in S.C.No.30/2014 on the file of the Sessions Judge (Fast Track Mahila Court) Kanyakumari District at Nagercoil till the disposal of the above Crl.A

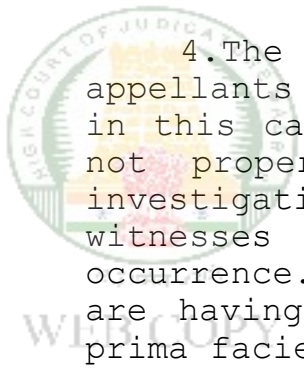
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.K.PRABHU, Advocate for the petitioners and of MR.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent while admitting CRL A the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the petitioners / A1 & A2 / appellants, praying to suspend the sentence of imprisonment imposed on them by the learned Sessions Judge (Fast Track Mahila Court) Kanniyakumart at Nagercoil in its order dated 24.11.2017 in S.C.No.30 of 2014 pending disposal of the above Criminal Appeal.

2.After trial, he has been convicted and sentenced as under:

| Conviction         | Sentence                                                                                |
|--------------------|-----------------------------------------------------------------------------------------|
| Section 306 of IPC | 3 years R.I. each + Fine of Rs.10,000/- each<br>(Totally Rs.20,000/-) i/d 6 months R.I. |

3.Fine amount has been paid by the petitioners / appellants and copy of the receipts are also produced. The Trial Court itself suspended the sentence in its order dated 24.11.2017 passed in Crl.M.P.No.892 of 2017 till 24.12.2017.



4.The learned counsel appearing for the petitioners / appellants submitted that empty bottle of poison was not recovered in this case and the suicide note, which was marked as Ex.P.8 was not properly considered by the Trial Court. There was no investigation in respect of the suicide note and no independent witnesses were examined, who were present in the scene of occurrence. He further submitted that the petitioners / appellants are having arguable points in this appeal and they are having a prima facie case in their favour.

5.The learned Additional Public Prosecutor appearing for the respondent would submit that the Trial Court has rightly convicted the accused on the basis of the evidence adduced by the prosecution during trial and the petitioners / appellants are not having any prima facie case in the appeal. However, the learned Additional Public Prosecutor has no serious objection to grant an order of suspension since the Trial Court itself suspended the sentence for a particular period.

6.This Court heard the submissions made by the learned counsel appearing for the petitioners / appellants and the learned Additional Public Prosecutor appearing for the respondent and also perused the materials available on record, including the impugned Judgment of the Court below.

7.Considering the above facts and circumstances of the case, this Court is of the view that there are certain arguable points involved in this Criminal Appeal and they are required to be examined in detail in the main Appeal. I see prima facie case in favour of the petitioners / appellants, for grant of an order of suspension.

8. On considerations, ordered as under:-

- (i) Appeal bail granted.
- (ii) Sentence of imprisonment ordered by the trial Court alone is suspended, till the disposal of the appeal.
- (iii) There shall be two sureties and they shall execute a bond for Rs.15,000/- (Rupees Fifteen Thousand Only) each to the satisfaction of the learned Principle District Munsif cum Judicial Magistrate Court, Eraniel, Kanniyakumari District.
- (iv) The petitioners / appellants shall appear before the said Court on the first working day of every month at 10.30 am., until further orders.

sd/-

22/12/2017

/ TRUE COPY /



TO

- 1 THE SESSIONS JUDGE, (FAST TRACK MAHILA COURT),  
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 2 THE PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,  
ERANIEL, KANYAKUMARI DISTRICT.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 4 THE INSPECTOR OF POLICE,  
ERANIEL POLICE STATION, KANYAKUMARI DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.K.PRABHU Advocate SR.No.36919

ORDER  
IN  
CRL MP (MD) No.11659 of 2017  
IN  
CRL A (MD) No.524 of 2017  
Date :22/12/2017

MKV-PN-SAR 3/26.12.2017/3P-7C