



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

Thursday, the Thirteenth day of July Two Thousand Seventeen

PRESENT

**The Hon`ble Mr.Justice M.M.SUNDRESH
and**

The Hon`ble Mr.Justice N.SATHISH KUMAR

CRL MP (MD) No.5971 of 2017

IN

CRL A (MD) No.146 of 2017

KAMALA

... PETITIONER/6TH APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
MARUVUR POLICE STATION,
THANJAVUR,
CR NO. 13/2015.

... RESPONDENT/RESPONDENT

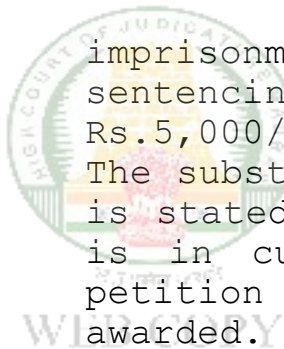
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend conviction and sentence imposed against the Petitioner in judgment dated 17.04.2017 in S.C No. 108 of 2016 on the file of the II Additional district and sessions Judge Thanjavur and enlarge the Petitioner on bail pending disposal of the Criminal Appeal on the file of the Honourable Court.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.A.SIVASUBRAMANIAN, Advocate for the petitioner and of MR.R.RAMACHANDRAN, Additional Public Prosecutor for the Respondent while admitting the Criminal Appeal the court made the following order:-

(Order of the Court was made by M.M.SUNDRESH.J.,)

This petition has been filed praying to suspend the sentence imposed against the petitioner in Sessions Case No.108 of 2016 by the II Additional District and Sessions Judge, Thanjavur and also to enlarge him on bail.

2. The petitioner, who is arrayed as accused No.6 in S.C.No.108 of 2016, wherein the petitioner has been found guilty under Sections 147 of the Indian Penal Code and sentenced to undergo six months simple imprisonment with a fine of Rs.500/- in default to undergo three months simple



imprisonment and for offence under Section 302 r/w 149 of IPC sentencing to undergo Life imprisonment with a fine of Rs.5,000/- in default to undergo one year simple imprisonment. The substantive sentences were directed to run concurrently. It is stated in the petition that from 17.04.2017, the petitioner is in custody. Under the said circumstances, the present petition has been filed seeking suspension of the sentence awarded.

3. The learned counsel for the petitioner would submit that even as per the evidence of P.W.1, who is the son of the deceased, there is no role for the petitioner. P.W.1 has stated that the petitioner has not even made any statement to A4 and A5 to attack the deceased. We also perused the order passed by the Court below. It merely fixed the onus on the petitioner. Further, as per the Ex.P23 and Ex.P24 the Accident Registers, P.Ws.1 & 2 mentioned the presence of only one family member.

4. We find that a prima facie case has been made out to suspend the sentence. Admittedly, the petitioner has got no specific overt-act, being a lady, as against the other accused. Further, also by considering the period of detention already undergone by the petitioner, we are inclined to grant suspension of the sentence.

5. In fine, this petition is allowed and the sentence imposed against the petitioner in Sessions Case No.108 of 2016 by the II Additional District and Sessions Judge, Thanjavur is alone suspended till the disposal of Criminal Appeal No.146 of 2017 and the petitioner will be released on bail on executing a bond for a sum of Rs.10,000/- and two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru and on further condition that the petitioner shall appear before the said Court on the first working day of every English Calendar month at 10.30 a.m until further orders.

sd/-
13/07/2017

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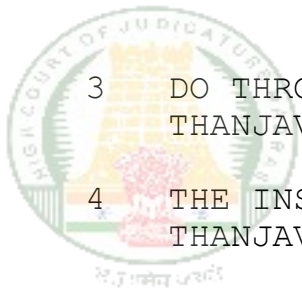
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AM
TO

1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, THANJAVUR

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

2 THE JUDICIAL MAGISTRATE, THIRUVAIYARU.



3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM

4 THE INSPECTOR OF POLICE, MARUVUR POLICE STATION,
THANJAVUR,

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

6 THE SUPERINTENDENT SPECIAL PRISON FOR WOMEN, TRICHY.

+1. C.C. to M/S.A.SIVASUBRAMANIAN Advocate SR.No.26426

GJM/PM/PN/SAR-2-13.7.17-3P-8C

ORDER
IN
CRL MP (MD) No.5971 of 2017
IN
CRL A (MD) No.146 of 2017
Date :13/07/2017