



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

Tuesday, the Twelfth day of September 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.8226 of 2017

IN

CRL A (MD) No.348 of 2015

PONNAMBALAM @ KUMAR

NOW HE IS IN CENTRAL JAIL, TRICHY

AND HIS C.P.NO.21120, TRICHY.

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY,

THE INSPECTOR OF POLICE

SRIRANGAM (L&O) POLICE STATION,

TIRUCHIRAPPALLI DISTRICT.

... RESPONDENT/COMPLAINANT

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 by the Judgment dated 23.07.2015 passed in S.C.No.95 of 2013 on the file of the Learned Sessions Judge, Mahila Court, Trichy and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

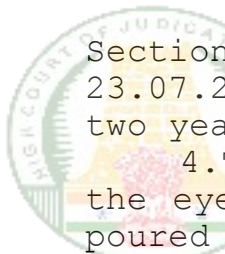
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.E.SOMASUNDARAM, Advocate for the petitioner and of MR.R.RAMACHANDRAN, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

(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 S.C.No.95 of 2013, dated 23.7.2013, on the file of the learned Sessions Judge, Mahila Court, Tiruchirappalli and to enlarge the Petitioner on bail, pending disposal of the Criminal Appeal.

2.The Petitioner is arrayed as an accused in S.C.No.95 of 2013 for the alleged offence under Section 302 IPC. The occurrence took place on 15.2.2012. The deceased was none other than the wife of the Petitioner.

3.The case of the prosecution is that the Petitioner poured kerosene on the deceased and committed the offence. Originally, the case was registered under Section 307 IPC. The deceased died after two months. Accordingly, then the case was altered into one under



Section 302 IPC. The trial Court convicted the Petitioner on 23.07.2015. Now the Petitioner is under incarceration for more than two years.

4.The learned counsel for the Petitioner would submit that even the eye-witness P.W.2 has only stated that it is the deceased, who poured kerosene on herself. There is no material to hold that the Petitioner has committed the offence. The Petitioner is in jail for more than two years. He is having two minor children.

5.The learned Additional Public Prosecutor would submit that the trial Court has convicted the Petitioner by taking into consideration the evidence of P.W.1. The deceased has also given a statement implicating the Petitioner in the offence. Therefore, this Petition will have to be dismissed.

6.We find that there are substantial grounds raised in the appeal. The Petitioner has been under incarceration for more than two years. It appears that there are two minor children born out of their wedlock.

7.Considering the above facts and taking note of the fact that there are some arguable points are involved in this criminal appeal and considering the period of incarceration undergone by the Petitioner, coupled with the evidence of PW2 we are inclined to grant suspension of the sentence.

8. In fine, this petition is ordered and the sentence imposed against the petitioner in S.C.No.95 of 2013 by the learned Sessions Judge of Mahila Court, Tiruchirappalli alone is suspended till the disposal of Criminal Appeal No.348 of 2015 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 like-sum to the satisfaction of the learned Sessions Judge, Mahila Court, Tiruchirappalli 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/-
12/09/2017

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

TO

- 1 THE SESSIONS JUDGE, MAHILA COURT, TIRUCHIRAPPALLI.
 - 2 THE SUPERINTENDENT, CENTRAL JAIL, TRICHY.
 - 3 THE INSPECTOR OF POLICE,
SRIRANGAM (L&O) POLICE STATION, TIRUCHIRAPPALLI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.E.SOMASUNDARAM Advocate SR.No.30527

ORDER IN
CRL MP(MD) No.8226 of 2017 IN
CRL A(MD) No.348 of 2015
Date :12/09/2017