

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twelfth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mrs Justice S. RAMATHILAGAM

CRIMINAL MISCELLANEOUS PETITION No.16278 of 2018

IN CRL A.565/2018

MAYAKANNAN

[PETITIONER / APPELLANT]

Vs

THE STATE BY
THE INSPECTOR OF POLICE,
HARUR POLICE STATION,
CR.NO.476 OF 2014.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence passed in S.C No.35/2016 by the Learned Additional District and Sessions Judge, Dharmapuri dated 29.11.2018 by enlarging him on bail pending disposal of the above appeal in Crl.A.No.565/2018.

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.M.G.UDHAYASHANKAR, Advocate for M/S.S.SHANTHAKUMARI, Advocate for the petitioners, and of MR. K.PRABAKAR, Additional Public Prosecutor, on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by **C.T.SELVAM, J**)

Petitioner was convicted for offence u/s.302 IPC and sentenced to undergo Life Imprisonment and fine of Rs.1,000/- i/d 10 moths R.I by learned Additional District and Sessions Judge, Dharmapuri, under judgment dated 29.11.2016 in S.C.No.35 of 2016. Hence, petitioner seeks suspension of sentence.

2. Learned counsel for petitioner would submit that the petitioner is confined at Central Prison, Vellore and there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses.

3. Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioner.

4. Paragraph 1 of the judgment of Trial Court reads thus:-

"The Inspector of Police, Harur P.S filed a charge sheet stating that the accused is the husband of the deceased Sathya. They got married before 10 years. The deceased Sathya had illicit intimacy with one Arivumani residing at Ambetkar Colony. The accused suspected the fidelity of his wife and decided to kill her. On 20.07.2014 at 11.30.a.m the accused went to Harur and buy the beef and when returned to his house, he saw his wife with the said Arivumani. The accused went inside his house and took a knife and stabbed his wife on the left and right neck and again stabbed her on the left backside shoulder twice and caused death to his wife Sathya. Hence, the accused committed an offence punishable u/s 302 IPC."

4. This Court considers it appropriate to grant suspension of sentence. 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 in 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, Harur**, and on further condition that the petitioner appear before the concerned Court on the first working day of every month at 10.30.a.m. pending appeal.

-sd/-

12/12/2018

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

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

[*]Amended as per order of this court dated 18.12.2018 made in Cr1.MP.NO.17405/2018 in Cr1.A.565/2018.

To

**(*) 1 THE JUDICIAL MAGISTRATE,
HARUR**

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

2 THE ADDITIONAL DISTRICT
AND SESSIONS JUDGE,
DHARMAPURI.

3 THE JUDICIAL MAGISTRATE,
KARUR.

4 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI. [FOR INFORMATION]

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
HARUR POLICE STATION,

+1 C.C. to M/S.S.SHANTHAKUMARI Advocate on payment of necessary
charges SR.NO.23805

SR.NO.24337

Order

in

CRL MP.16278/2018

in

CRL A.565/2018

Date :12/12/2018

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