



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

Saturday, the Twenty Eighth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice C.T.SELVAM

and

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

CRL MP (MD) No.2055 of 2018

IN

CRL A(MD) No.127 of 2018

SUDALAIMANI @ MANI

... PETITIONER/APPELLANT/SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
MUTHAIYAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.

(IN CRIME NO.385 OF 2014)

... RESPONDENT/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 against appellant in S.C.No.402 of 2015 on the file of the Honourable II Additional and District Sessions Court, Thoothukudi dated 19.01.2017 and release the appellant on bail till the disposal of the appeal.

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

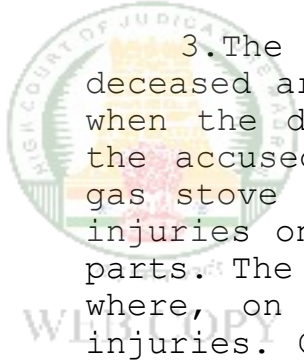
[Order of the Court made by **C.T.SELVAM, J.,**]

Petitioner is arrayed as the sole accused in S.C.No.402 of 2015, on the file of the Second Additional and District Sessions Court, Thoothukudi and under Judgment dated 19.01.2017, he has been convicted and sentenced as follows:

Offence	Sentence
302 IPC	Life imprisonment and fine of Rs.1,000/- i/d one year simple imprisonment.

Petitioner has come forward with the above miscellaneous petition, seeking relief of suspension of sentence pending appeal.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.



3. The case of the prosecution is that the accused and the deceased are husband and wife. On 06.12.2014, at about 07.30, a.m., when the deceased was preparing food, there was a quarrel between the accused and the deceased. The accused took hot water from the gas stove and poured the same on the deceased, who sustained burn injuries on her thigh, chest, right ear, cheek, left hand and other parts. The deceased was taken to the Government Hospital, Tuticorin, where, on 12.12.2014, at about 04.00, a.m. she succumbed to the injuries. Case was registered in Crime No.385 of 2014, on the file of the respondent police and the same on completion of investigation, filing of final report and on committal was tried by the Second Additional and District Sessions Court, Thoothukudi in S.C.No.402 of 2015 and under Judgment dated 19.01.2017, the sole accused was convicted for the offence under Section 302 of the Indian Penal Code.

4. Learned counsel for the petitioner submitted that the occurrence had taken place in the course of sudden quarrel between the petitioner/husband and his wife/deceased. Learned counsel for the petitioner further submits that the petitioner/accused has suffered incarceration for a period of three years. Learned counsel further submits that the petitioner is confined at Central Prison, Palayamkottai. Submitting as above, learned counsel prays for the grant of relief of suspension of sentence imposed on the petitioner/accused.

5. Per contra, learned Additional Public Prosecutor contended that the prosecution has established its case beyond all reasonable doubt. He strongly opposed grant of relief of suspension of sentence to the petitioner.

6. Considering the facts and circumstances of the case and the submission of both sides and also considering that the appeal is not likely to be heard in the near future, this Court considers it appropriate to suspend the substantive portion of sentence imposed on the petitioner.

7. Accordingly, the substantive sentence of imprisonment alone is suspended in respect of the petitioner/accused and he is directed to be enlarged on bail on condition that he 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 No.II, Thoothukudi and on further condition that petitioner shall report before the said Court on the first working day of every English Calendar month at 10.30 a.m. pending appeal.

sd/-
28/04/2018

/ TRUE COPY /



TO

1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THOOTHUKUDI.

2 THE JUDICIAL MAGISTRATE NO.II,
THOOTHUKUDI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

5 THE INSPECTOR OF POLICE,
MUTHAIYAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1. C.C. to M/S.R.ALAGUMANI Advocate SR.No.7869

ORDER

IN

CRL MP (MD) No.2055 of 2018

IN

CRL A (MD) No.127 of 2018

Date :28/04/2018

MKV-CM-VR-GSR/28.4.2018/3P-8C