



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

Monday, the Twenty Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Dr.Justice S.VIMALA
and

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.11446 of 2017

IN

CRL A(MD) No.505 of 2017

M. MALLIGA

... PETITIONER / PETITIONER /
ACCUSED No.9

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
THIDEERNAGAR POLICE STATION, MADURAI,
CRIME NO.71/2014

... 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 on petitioner by 1st Additional Sessions and District Judge, Madurai in S.C.No.14/2015 dated 09/11/2017 pending disposal of the above Crl.A

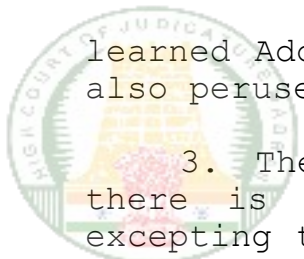
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.A.HAJA MOHIDEEN, Advocate for the petitioner and of Mr.K.S.DURAIPANDIAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by **S.VIMALA, J**)

The petitioner/appellant is the accused No.9 in S.C.No.71 of 2014 on the file of learned 1st Additional Sessions and District Judge, Madurai. She has been convicted for the offence under Section 302 r/w 149 IPC and sentenced to undergo imprisonment for life and to pay a fine of Rs.10,000/-, in default, to undergo rigorous imprisonment for one year and sentenced to undergo imprisonment for one year and to pay a fine of Rs.1,000/- in default, to undergo rigorous imprisonment for two months for offence under Section 147 IPC. Challenging the said conviction and sentence imposed, the petitioner has come up with this appeal. Pending appeal, she seeks suspension of the substantive sentence of imprisonment imposed on her.

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

2. We have heard the learned counsel for the petitioner and the



learned Additional Public Prosecutor for the respondent and we have also perused the records carefully.

3. The learned counsel for the appellant would submit that there is no specific overt act alleged as against A9/Malliga, excepting that she is alleged to have chased the deceased Palpandi. Admittedly, the deceased Palpandi is aged about 25 years and the petitioner/accused is stated to be a woman aged about 43 years and having three children. It is equally admitted that there is no specific overt act excepting that she chased the deceased.

4. The learned Additional Public Prosecutor vehemently oppose this petition for suspending the sentence. He would further submit that the evidence of P.W.1, P.W.4 and P.W.7 is available as against A9. But the fact remains that the evidence of the three witnesses is regarding the chasing of the deceased by this petitioner and excepting the same, they did not speak about any specific overt act played by the petitioner/A9.

5. Considering the facts and circumstances of the case and considering the fact that there are arguable points in favour of the petitioner, we are inclined to suspend the sentence of imprisonment alone imposed on the petitioner pending appeal.

6. Accordingly, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended and the petitioner is directed to be enlarged on bail, on the following conditions:

The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No.5, Madurai, and on further condition that the petitioner shall report before the committal Court at 10.30 a.m., on the first working day of every English Calender Month, until further orders.

sd/-
29/01/2018

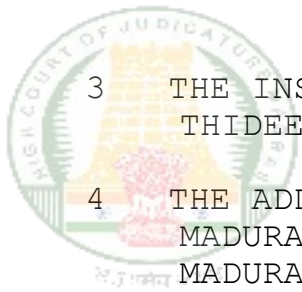
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.5,
MADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI



3 THE INSPECTOR OF POLICE,
THIDEERNAGAR POLICE STATION, MADURAI,

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

5 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI

+1. C.C. to Mr.A.HAJA MOHIDEEN Advocate SR.No.1619

JAM/31/01/2018/CM-VR/ SAR 3/ 3p-7c

ORDER
IN
CRL MP (MD) No.11446 of 2017
IN
CRL A (MD) No.505 of 2017
Date :29/01/2018