



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

Friday, the Ninth day of February Two Thousand Eighteen

PRESENT

**The Hon`ble Dr.Justice S.VIMALA**

and

**The Hon`ble Mrs.Justice T.KRISHNAVALLI**

Crl.M.P.(MD) Nos.5960 & 5959 of 2017

in

Crl.A.(MD) Nos.183 & 184 of 2017

MARIAMMAL

... APPELLANT/ACCUSED NO.10  
IN BOTH THE PETITIONS

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE  
UTHUMALAI POLICE STATION,  
TIRUNELVELI DISTRICT

CRIME NO. 129 OF 2011

CRIME NO. 130 OF 2011

... RESPONDENT/COMPLAINANT  
IN BOTH THE PETITIONS  
IN CRL MP(MD)No.5960 of 2017  
IN CRL A(MD)No.183 of 2017

IN CRL MP(MD)No.5959 of 2017  
IN CRL A(MD)No.184 of 2017

Prayer in CRL MP(MD). 5960/ 2017 :

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence of imprisonment imposed on the petitioner in the judgement dated 07/06/2017 made in S.C.NO. 68 of 2012 on the file of the Additional Sessions Judge, Thenkasi and enlarge the petitioner on bail pending disposal of the above criminal appeal before this Honourable court and thus render justice.

Prayer in CRL MP(MD). 5959/ 2017 :

To suspend the sentence of imprisonment imposed on the petitioner in the judgement dated 07/06/2017 made in S.C.No. 69 of 2012 on the file of the Additional Sessions Judge, Thenkasi and enlarge the petitioner on bail pending disposal of the above criminal appeal before this Honourable Court and thus render justice.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of MR.R.ANAND for M/S.P.SAMUEL GUNASINGH, Advocate for the petitioner in both the petitions and of MR.K.S.DURAI PANDIAN, Additional Public Prosecutor on behalf of the Respondent in both the petitions the court made the following order:-



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

These petitions have been filed, seeking to suspend the sentence imposed upon the petitioner / Appellant / A10 in S.C.Nos.68 and 69 of 2012 respectively, by the learned Additional Sessions Judge, Tenkasi. The conviction and sentence is as follows:

| Sl. No. | Case No.           | Offence              | Conviction and Sentence                     |
|---------|--------------------|----------------------|---------------------------------------------|
| 1.      | S.C.No .68 of 2012 | Section 147 IPC      | Simple Imprisonment for Two months          |
| 2.      |                    | Section 120B r/w 149 | Imprisonment for life with fine of Rs.500/- |
| 3.      |                    | Section 302 r/w 109  | Imprisonment for life with fine of Rs.500/- |
| 4.      | S.C.No .69 of 2012 | Section 147 IPC      | Simple Imprisonment for Two months          |
| 5.      |                    | Section 120B r/w 149 | Imprisonment for life with fine of Rs.500/- |
| 6.      |                    | Section 302 r/w 109  | Imprisonment for life with fine of Rs.500/- |

2. Heard both sides and perused the grounds of appeal.

3. The husband of A10 was murdered by the deceased Selvaraj and two murders, for which the appellant and nine others were prosecuted pertain to the murder of the deceased Selvaraj and later, on account of the murder of the wife of the deceased Selvaraj, namely, Thangamani. It is claimed to be a retaliation murder, by the prosecution.

4. When it was argued by the prosecution that the brain behind the murders of both Selvaraj and his wife Thangamani is A10 and only on account of conspiracy hatched and abatement caused by A10, these two murders took place, this Court suggested that the matter could be taken up for final hearing, as the nature of evidence for conspiracy requires a detailed and critical consideration of evidence. Though the prosecution is ready, the defence is not ready.

5. It is relevant to point out that the main accused in these cases against whom there is an evidence of eyewitnesses are brothers of A10. It is to be seen whether brothers could have been involved in the murders and if so, whether it was with the knowledge / consent, abatement caused by A10 or not. The motive for the occurrence, as alleged by the prosecution cannot be ruled out without looking into the close scrutiny of the evidence.

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

6. However, considering the totality of the facts and circumstances, this Court is not inclined to grant suspension of



sentence to A10 and these petitions are dismissed. However, it is open to the defence to argue the case on merits at any time.

sd/-  
09/02/2018

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

TO

- 1 THE ADDITIONAL SESSIONS JUDGE, TENKASI.
- 2 THE SUPERINTENDENT,  
SPECIAL JAIL FOR WOMEN,  
CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE  
UTHUMALAI POLICE STATION,  
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL MP(MD) No.5960 of 2017  
IN  
CRL A(MD) No.183 of 2017  
Date :09/02/2018

MKV-CM-VR-SAR 2/9.2.2018/3P-5C