



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

Tuesday, the Fifth day of June 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.3441 of 2018

IN

CRL A (MD) No.213 of 2018

RADHA

... PETITIONER / APPELLANT

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALANGUDI POLICE STATION,
PUDUKOTTAI DISTRICT.
(CRIME NO.395 OF 2014).

... RESPONDENT / RESPONDENT

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 upon the petitioner by the Additional District and Sessions Judge/Special Court for E.C. & NDPS Act Cases, Pudukottai in S.C.No.57 of 2015 dated 21.02.2018 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.T.LENIN KUMAR, Advocate for the petitioner and of Mr.S.CHANDRASEKARAN, 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 first accused in S.C.No.57 of 2015 on the file of Additional District and Sessions Court for E.C. & NDPS Act Cases, Pudukkottai and under judgment dated 21.02.2018 she has been convicted and sentenced as follows:

Offence	Sentence
120-B r/w 302 IPC	Life imprisonment with fine of Rs.5,000/- for each offence (total fine Rs.10,000/-) i/d 3 months S.I.
114 r/w 302 IPC	



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

2. The learned counsel for petitioner submits that even according to the prosecution, the petitioner / A1, wife of the deceased, was not present in the house at the time of occurrence.

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3. Per contra, learned Additional Public Prosecutor, contended that the prosecution has established its case beyond all reasonable doubt and the minor discrepancies found in the evidence of the prosecution witnesses will not affect the prosecution case in its entirety. He strongly opposed to the grant of the relief of suspension of sentence to petitioner.

4. Considering the facts and circumstances of the case, that it is not possible for the Court to take the Criminal Appeal in the nearest future, that there are arguable points and according to learned counsel for petitioner, there are several infirmities in the prosecution case in respect of petitioner, the deceased had met with death owing to having been hit on his head with a writing table by A4, this Court has considered it appropriate to grant the relief of suspension of sentence to A3 in Crl.M.P.(MD)No.1894 of 2016 in Crl.A.(MD)No.120 of 2018, we are of the considered view that it is a fit case to grant the relief of suspension of sentence to petitioner herein. Keeping in view of these facts, we are inclined to suspend the substantive portion of sentence imposed on petitioner.

5. Accordingly, the substantive sentence of imprisonment alone is suspended in respect of petitioner and she is directed to be enlarged on bail on condition that she 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, Alangudi, and on further condition that petitioner shall report before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

sd/-
05/06/2018

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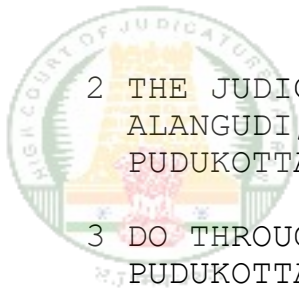
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE/
SPECIAL COURT FOR E.C & NDPS ACT CASES,

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

TELEPHONICAL.



2 THE JUDICIAL MAGISTRATE,
ALANGUDI,
PUDUKOTTAI DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

4 THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN,
TRICHY.

5 THE INSPECTOR OF POLICE,
ALANGUDI POLICE STATION,
PUDUKOTTAI DISTRICT.

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

+1. C.C. to Mr.T.LENIN KUMAR Advocate SR.No.9517.

ORDER
IN
CRL MP (MD) No.3441 of 2018
IN
CRL A (MD) No.213 of 2018
Date :05/06/2018

SDS/PN/RNB/06.06.2018/3P/8C