



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

Thursday, the Seventeenth day of May Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

CRL MP(MD) No.3623 of 2018

IN

CRL A(MD) No.241 of 2018

LATHA @ SAHAYALATHA

... APPELLANT/ACCUSED

Vs

STATE THROUGH
THE INSEPCTOR OF POLICE
SOUTH POLICE STATION
TUTICORIN

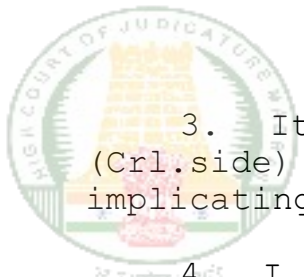
... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence passed by the learned 1st Additional District and Sessions Judge, Tuticorin in S.C.No.336/2016 through a Judgement dated 18.04.2018.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.KA.RAAMAKRISHINAN, Advocate for the petitioner and THE PUBLIC PROSECUTOR while admitting this Crl.A., this court made the following order:-

The petitioner has been convicted by the learned I Additional District and Sessions Judge, Tuticorin in S.C.No.336 of 2016 and sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.1000/-, in default to undergo 1 year rigorous imprisonment for an offence under Section 302 of I.P.C., and sentenced to undergo rigorous imprisonment for 3 years and to pay a fine of Rs.500/-, in default to undergo 3 months simple imprisonment for an offence under Section 201 of I.P.C. All the sentences were ordered to run concurrently. Against which, the petitioner has filed the criminal appeal and in order to suspend the sentence, the present Miscellaneous Petition is filed.

2. It is submitted by the learned counsel for the petitioner that there are several infirmities and inconsistencies in the prosecution case. It is contended that there are contradictions in material particulars.



3. It is submitted by the learned Government Advocate (Crl.side) that there are enough materials available on record for implicating the petitioner herein.

4. I have carefully considered the rival contentions put forward by either side and also perused the impugned judgment of conviction.

5. The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in the prosecution case and also certain contradictions in material particulars between the evidence of prosecution witnesses and there are arguable points involved in this appeal and further the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that she executes 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 learned I Additional District and Sessions Judge, Tuticorin and on further condition that the petitioner shall appear before the said Court on the first working day of every English Calendar month at 10.30 a.m. pending disposal of the appeal.

sd/-

17/05/2018

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

TO

1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE
TUTICORIN

2 THE INSEPCTOR OF POLICE, SOUTH POLICE STATION, TUTICORIN

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

ORDER IN

CRL MP(MD) No.3623 of 2018

IN

CRL A(MD) No.241 of 2018

Date :17/05/2018