



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

Wednesday, the Twenty Seventh day of June Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice C.T.SELVAM
and
The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP(MD) No.4401 of 2018

IN

CRL A(MD) No.221 of 2018

PALANIAPPAN

... PETITIONER/APELLANT

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION,
KARUR DISTRICT,
IN CRIME NO. 231 OF 2014

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the conviction and sentence passed by the Fast Track Mahila Court, Karur in S.C.No. 47/2016 dated 15.11.2016 pending disposal of this Appeal

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.N.SIVAKUMAR, Advocate for the petitioner and of Mr.R.ANANTHA RAJ, for Mr.CHANDRASEKAR, Additional Public Prosecutor for the respondents, the court made the following order:-

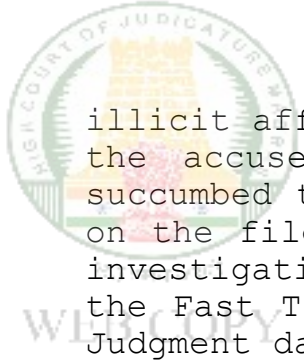
[Order of the Court made by **C.T.SELVAM, J.,**]

Petitioner is arrayed as the sole accused in S.C.No.47 of 2016, on the file of the Fast Track Mahila Court, Karur and under Judgment dated 15.11.2016, he has been convicted and sentenced as follows:

Offence	Sentence
302 IPC	To undergo imprisonment for life and to pay a fine of Rs.1,000/- , in default to undergo simple imprisonment for one month.

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

<https://hcservices.courts.gov.in/hcservices/> of the prosecution is that the deceased, the wife of the accused, had illicit intimacy with PW-4. The accused warned them. In spite of thereof, the deceased and PW-4 continued their



illicit affair. It is alleged that on 21.05.2014, at about 03.30 AM, the accused attacked the deceased with aruval and the deceased succumbed to injuries. Case was registered in Crime No.231 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 Fast Track Mahila Court, Karur, in S.C.No.47 of 2016 and under Judgment dated 15.11.2016, the accused was convicted for the offence under Section 302 of the Indian Penal Code.

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

4. Admittedly, the deceased, the wife of the accused had illicit intimacy with PW-4. It is alleged that the accused warned them there against. The case is based on circumstantial evidence. There are no eye-witnesses to the occurrence.

5. 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.

6. Accordingly, the present Miscellaneous Petition is allowed and 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, Kuzhithalai 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/-
27/06/2018

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

TO

1 THE JUDGE
FAST TRACK MAHILA COURT, KARUR

<https://hcservices.ecourts.gov.in/hcservices/>
2 THE JUDICIAL MAGISTRATE NO.II,
KUZHITHALAI



3 THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION, KARUR DISTRICT

4 THE CHIEF JUDICIAL MAGISTRATE
KARUR DISTRICT

5 THE SUPERINTENDENT, CENTRAL PRISON,
TRICHY

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

ORDER
IN
CRL MP (MD) No.4401 of 2018
IN
CRL A (MD) No.221 of 2018
Date :27/06/2018

SMA/JC/ASVM/09.07.2018:2P/7C