



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

Thursday, the First day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.M.SUNDRESH
and
The Hon`ble Mr.Justice N.SATHISH KUMAR

CRL MP(MD) No.8458 of 2018
IN
CRL A(MD) No.475 of 2018

SASI

(NOW CONFINED AS LIFE CONVICT IN
PALAYAMKOTTAI CENTRAL PRISON)

... APPELLANT/SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ERANIYAL POLICE STATION,
KANNIYAKUMARI DISTRICT.
IN CR NO. 450 OF 2013

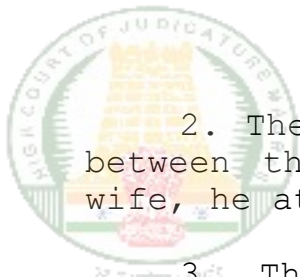
... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence awarded to petitioner and release on bail pending disposal of the main Criminal Appeal before this Honourable Court against the Judgment of the Honourable Fast Track Mahila Court, Nagarkovil in S.C.No.128/2014 dated 12/05/2015.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.R.ALAGUMANI, Advocate for the petitioner and of MR.R.ANANDHARAJ, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

[Order of the Court made by M.M.SUNDRESH, J.,]

The petitioner is the sole accused in S.C.No.128 of 2014, on the file of the Fast Track Mahila Court, Nagerkovil and under Judgment dated 12.05.2015, he has been convicted for the offence under Section 302 of the Indian Penal Code and sentenced to undergo imprisonment for life. Pending disposal of the Criminal Appeal, the petitioner has come forward to file the present Miscellaneous petition seeking suspension of sentence.



2. The case of the prosecution is that pursuant to the quarrel between the petitioner, who is husband and the deceased, who is wife, he attacked her with blade and drown her into the water tank.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been in incarceration for more than 3^{1/2} years. Though it is a case of circumstantial evidence, the link has not been established. The complaint has been given after three days of the occurrence. Even the doctor, who conducted postmortem on the dead body of the deceased, has stated that the deceased died of drowning.

4. The learned Additional Public Prosecutor would submit that the motive has been established and the Trial Court has convicted the accused, on circumstantial evidence, and therefore, this petition will have to be dismissed.

5. We have considered the above submissions and perused the records carefully.

6. After considering the above submissions, we find that there are arguable points involved to be decided in the Criminal Appeal. Thus, this Court deems it appropriate to suspend the substantive portion of sentence imposed on the petitioner.

7. Accordingly, the present Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone is suspended in respect of the petitioner and he is directed to be enlarged on bail on condition that he 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 Fast Track Mahila Court, Nagerkovil and on further condition that the 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/-
01/11/2018

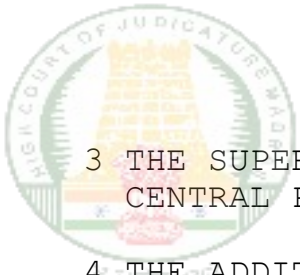
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE FAST TRACK MAHILA COURT,
NAGARKOVIL.

2 THE INSPECTOR OF POLICE
CRIMINAL POLICE STATION,
KANNIYAKUMARI DISTRICT.



3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1. C.C. to M/S.R.ALAGUMANI Advocate SR.No.21218

ORDER
IN
CRL MP (MD) No.8458 of 2018
IN
CRL A (MD) No.475 of 2018
Date :01/11/2018

JM/VR MMS/SAR 2/08.11.2018/3P/6C