



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

Monday, the Twenty Third day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice C.T.SELVAM
and
The Hon`ble Mr.Justice S.S.SUNDAR

CRL MP (MD) No.5177 of 2018
IN
CRL A (MD) No.295 of 2018

R.RAMANI @ RAMANI DEVI

... PETITIONER/ PETITIONER

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VADASERI POLICE STATION,
KANYAKUMARI DISTRICT.
IN CRIME NO.642 OF 2010

... 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 sentence imposed on the petitioner in S.C.No.33/2015 on the file of the Sessions Judge, Fast Track Mahila Court, Kanyakumari at Nagercoil by the judgement dated 08/03/2018 and enlarges the petitioner on bail pending disposal of the above Crl.A

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.C.MUTHUSARAVANAN, Advocate for the petitioner and of Mr.S.CHANDRASEKAR, 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 was arrayed as an accused in Crime No.642 of 2010 on the file of respondent Police, and under judgment dated 08.03.2018 in S.C.No.33 of 2015 on the file of the Sessions Judge, Fast Track Mahila Court, Kanyakumari at Nagercoil, she has been convicted for offences u/s.302 r/w 34 IPC; 449 r/w 34 IPC and 341 r/w 34 IPC and sentenced as follows:

Offence	Sentence
302 r/w 34 IPC	Life imprisonment and fine of Rs.20,000/- i/d one year R.I.
449 r/w 34 IPC	7 years R.I. and a fine of Rs.10,000/-, i/d one year R.I.
341 r/w 34 IPC	A fine of Rs.500/- i/d one week S.I.



Petitioner has moved this miscellaneous petition seeking relief of suspension of sentence pending appeal.

2.The prosecution case is that the deceased used to operate the electric motor for the supply of Municipality drinking water. On 01.07.2010, at about 1.00 p.m., the petitioner asked the deceased to switch on the electric motor and the same was refused by the deceased. Consequently, on 02.07.2010 at about 1.30 p.m., A1, Husband of the petitioner and the petitioner/A2 trespassed into the house of the deceased and petitioner held the deceased while A1 caused several stab injuries, as a result of which, the deceased succumbed to injuries. A1 absconded and this petitioner faced trial.

3.The learned counsel for the petitioner submitted that a reading of evidence of P.Ws.1 to 3, eye witnesses disclosed that petitioner had no role in the overt acts against the deceased. Learned counsel for petitioner further submits that the petitioner presently is confined at Central Prison for Women, Trichirappalli. Submitting as above, learned counsel prays for the grant of relief of suspension of sentence to petitioner herein.

4. Per contra, Mr.S.Chandrasekar, learned Additional Public Prosecutor, contended that the prosecution has established its case beyond all reasonable doubt and he strongly opposed to the grant of the relief of suspension of sentence to petitioner.

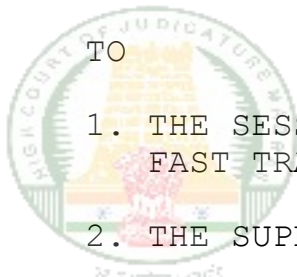
5.Considering the facts and circumstances of the case, it is not possible for the Court to take the Criminal Appeal in the near future, there are arguable points, we are of the considered view that it is a fit case to grant the relief of suspension of sentence to petitioner herein. We are inclined to suspend the substantive portion of sentence imposed on petitioner.

6.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 Sessions Judge, Fast Track Mahila Court, Kanyakumari at Nagercoil 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/-
23/07/2018

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



TO

1. THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, KANYAKUMARI AT NAGERCOIL.
2. THE SUPERINTENDENT, CENTRAL PRISON FOR WOMEN, TRICHY.
3. THE INSPECTOR OF POLICE,
VADASERI POLICE STATION, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to Mr.C.MUTHUSARAVANAN Advocate SR.No.13692

ORDER
IN
CRL MP (MD) No.5177 of 2018
IN
CRL A (MD) No.295 of 2018
Date :23/07/2018

MS/JC/SAR-1/26.07.2018/3P.6C