



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

Tuesday, the Twenty Fourth day of July Two Thousand Eighteen

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PRESENT

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

CRL MP(MD) No.5266 of 2018

IN

CRL A(MD) No.301 of 2018

RAJENDRAN

... APPELLANT/ SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THAKKALAI POLICE STATION,
NAGERCOIL DISTRICT.
CRIME NO.488/2004

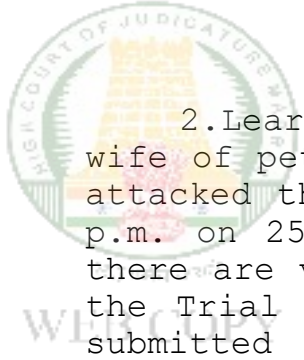
... RESPONDENT/ COMPLAINANT

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 against me in S.C.No.199/2004 on the file of the Honourable Fast Track Mahila Court, Kanyakumari at Nagercoil dated 04/06/2015 and release me on bail till the 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.R.ALAGUMANI, Advocate for the petitioner and of Mr.R.ANANDRAJ, 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 sole accused in S.C.No.199 of 2004 on the file of Fast Track Mahalir Court, Kanyakumari at Nagercoil and under judgment dated 04.06.2015 he has been convicted for offences u/s.498(A) and 302 IPC and under Section 498(A) sentenced to undergo imprisonment for three years and to pay fine of Rs.5,000/- in default to undergo R.I. for six months and under Section 302 IPC sentenced to undergo imprisonment for life and to pay a fine of Rs.15,000/- in default to undergo R.I. for one year. Petitioner has come forward with the above miscellaneous petition seeking relief of suspension of sentence pending appeal.



2.Learned counsel for petitioner submits that deceased is the wife of petitioner. On 24.05.2004 in drunken state, the petitioner attacked the deceased and thereby caused injuries on her. At 7.15 p.m. on 25.05.2004, deceased died in hospital. He submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised. He further submitted that there is prima facie case in favour of the petitioner.

3. Per contra, Mr.R.Anandraj, 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, 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.

Accordingly, the **substantive sentence of imprisonment alone is suspended in respect of petitioner** 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, Ambasamudram, 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/-
24/07/2018

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

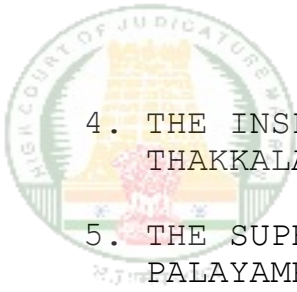
TO

1. THE JUDGE,
FAST TRACK, MAHILA COURT, KANYAKUMARI AT NAGERCOIL.

2. THE JUDICIAL MAGISTRATE, AMBASAMUDRAM.

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

3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



4. THE INSPECTOR OF POLICE
THAKKALAI POLICE STATION, NAGERCOIL DISTRICT.

5. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.

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

+1. C.C. to Mr.R.ALAGUMANI Advocate SR.No.13924

ORDER

IN

CRL MP (MD) No.5266 of 2018

IN

CRL A (MD) No.301 of 2018

Date :24/07/2018

MS/PN/SAR-4/06.08.2018/3P.8C