

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mrs Justice S. RAMATHILAGAM

CRIMINAL MISCELLANEOUS PETITION No.1265 of 2019

in CRL.A.No.315 of 2018

DHANASELVI

[APPELLANT / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
KAVUNDAPADI POLICE STATION,
ERODE DISTRICT
CRIME NO.129 OF 2014.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in in CRL.A.No.315 of 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence and release the petitioner on bail pending disposal of this Criminal Appeal before this Honble Court against the judgment in S.C.No.2 of 2015 on the file of the Honble Sessions Judge, Mahalir Fast Track Court Erode, dated 27.01.2016 against the appellant/accused

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in in CRL.A.No.315 of 2018 on the file of the High Court and upon hearing the arguments of M/S.P.PALANI KUMAR, Advocate for the petitioner, and of MR.K.PRABAKAR Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

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

Petitioner/A1 and five others faced trial in S.C.No.2 of 2015 on the file of learned Sessions Judge, Mahalir Fast Track Court, Erode. Under judgment dated 27.01.2016, trial Court, rendered a finding of conviction and sentenced accused as follows:

Accused	Offences u/s.	Sentence
A1, A3, A5 and A6	120-B(1) 302 r/w 34 and 396 IPC	Life imprisonment and fine of Rs.10,000/- i/d 3 years S.I. for each of the offences.
A4	120-B(1), 302 and 396 IPC	Life imprisonment and fine of Rs.10,000/- i/d 3 years S.I. For each of the offences

Seeking suspension of sentence passed against her, petitioner has moved the present petition.

2. Learned counsel for petitioner would submit that petitioner is confined at Special Prison for Women, Coimbatore and there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in material particulars in the evidence of the prosecution witnesses. Fine has not been paid.

3. Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioner.

4. Considering the facts and circumstances as also the fact that it is not possible for the Court to take the Criminal Appeal in the near future and the submissions of learned counsel on either side, we are of the considered view that it is a fit case to grant the relief of suspension of sentence to petitioner herein.

Accordingly, the substantive sentence of imprisonment alone is suspended and petitioner is directed to be enlarged on bail on condition that the petitioner 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 learned Judicial Magistrate II, Gobichettipalayam and on further condition that petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

01/02/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE
MAHALIR FAST TRACK COURT,
ERODE

2 THE JUDICIAL MAGISTRATE NO.II
GOBICHETTIPALAYAM, ERODE DISTRICT

3 THE CHIEF JUDICIAL MAGISTRATE
ERODE, [FOR INFORMATION]

4 THE SUPERINTENDENT,
WOMEN PRISON, COIMBATORE

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS

6 THE INSPECTOR OF POLICE,
KAVUNDAPADI POLICE STATION,
ERODE DISTRICT

+1 C.C. to M/S.P.PALANI KUMAR Advocate on payment of necessary
charges SR.NO.2380

Order

in
CRL MP.No.1265 of 2019
in
CRL.A.No.315 of 2018

Date :01/02/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

cm 04/02/2019

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