

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Fifth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M.M.SUNDRESH

and

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL MISCELLANEOUS PETITION No.2519 of 2018

in CRL A.No.108 of 2018

MARIAMMAL

[APPELLANT / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SANKARI CIRCLE,
SANKARI,
SALEM DISTRICT

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.No.108 of 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the Principal Sessions Judge, Salem by its judgment dated 12.10.2017 made in S.C No.182 of 2015 and enlarge the petitioner on bail pending disposal of the above CRL A.No.108 of 2018

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.No.108 of 2018 on the file of the High Court and upon hearing the arguments of M/S.P.PUGALENTHI, Advocate for the petitioner, and of MR.R.PRATHAP KUMAR Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

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

The petitioner stands convicted for the offence punishable under Section 302 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.1,000/- by the learned Principal Sessions Judge, Salem. Seeking suspension of the above sentence of imprisonment imposed in S.C.No.182 of 2015 on the file of Principal Sessions Judge, Salem, the petitioner has come forward with this petition.

2. The deceased is none other than the husband of the petitioner. The case of the prosecution is that the deceased is alleged to have suspected the fidelity of the petitioner and this led to frequent quarrels between the petitioner and the deceased, as a result of which, they lived separately for some time. After some time, the petitioner re-joined the deceased along with her minor son.

3. On 07.10.2014, there was a quarrel between the petitioner and the deceased, in which, the petitioner is alleged to have attacked the deceased and committed the offence.

4. The learned counsel for the petitioner submits that there is no eyewitness to the occurrence and there are many arguable points in the appeal and the petitioner has been in incarceration for more than 1 ½ years.

5. The learned Additional Public Prosecutor submits that considering the nature of injuries coupled with the fact that the deceased was seen along with the petitioner, the trial Court has rightly convicted the petitioner.

6. Heard the learned Additional Public Prosecutor and perused the materials available on record.

7. The petitioner is a lady and in incarceration for more than 1 ½ years. We do find several issues involved to be decided in the appeal. In such view of the matter, we are inclined to suspend the sentence.

8. Fine amount is paid. Accordingly, the substantive sentence of imprisonment alone is suspended on condition the petitioner executes 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 Principal Sessions Judge, Salem and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.00 a.m., pending appeal.

-sd/-

25/06/2019

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 PRINCIPAL SESSIONS JUDGE
SALEM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

4 THE INSPECTOR OF POLICE,
SANKARI CIRCLE, SANKARI,
SALEM DISTRICT

+1 C.C. to M/S.P.PUGALENTHI Advocate on payment of necessary
charges SR.NO.12574

Order

in
CRL MP.2519/2018

in
CRL A.108/2018

Date :25/06/2019

From 7.2.2001 the Registry is issuing certified
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cm 26/06/2019

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