

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eleventh day of July 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.9151 of 2019

in CRL.A.NO.848 OF 2018

HEMALATHA

[PETITIONER]

Vs

STATE REPRESENTED BY [RESPONDENT]
THE INSPECTOR OF POLICE,
CHIDAMBARAM TALUK POLICE STATION,
CUDDALORE DISTRICT.
CR.NO.86/2013.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.848/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in S.C.No.70/2014 dated 20.09.2018 on the file of II Additional Sessions Judge, Chidambaram and enlarge the petitioner on bail, pending disposal of the above Crl.A.No.848/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.848/2018 on the file of the High Court and upon hearing the arguments of M/S.R.SANKARASUBBU Advocate for the petitioner and of MR.R.PRATHAP KUMAR Addl.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 has been arrayed as A1 and convicted for the offence punishable under Sections 148, 294(b) and 302 IPC in S.C. No. 70 of 2014 on the file of II Additional Sessions Court, Chidambaram. The trial Court, by judgment dated 20.09.2018, for the offence under Section 148 IPC, convicted the petitioner and sentenced to undergo one year rigorous imprisonment, for the offence under Section 294(b) IPC, to pay a fine of Rs.250/-, in default, to undergo one month simple imprisonment and for the offence punishable under Section 302 IPC, sentenced to undergo life imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo one year simple imprisonment. Seeking suspension of sentence, the present petition has been filed.

2. The case of the prosecution is that pursuant to the dispute arose in the conduct of the local body election, the petitioner along with others went to the place of the deceased and committed the offence.

3. The learned counsel appearing for the petitioner submitted that though there are eye witnesses stated to be there, A1 was not present in the place of occurrence. There are arguable points in the appeal and she being the lady, the benefits as conferred under the statute will have to be extended to her. Therefore, the suspension of sentence petition will have to be allowed.

4. The learned Additional Public Prosecutor appearing for the State would submit that there are eye witnesses who speak about the occurrence. There is a specific overt act attributed against the petitioner as she attacked the deceased with the wooden log. Therefore, this petition will have to be dismissed.

5. Though this is the second petition, the earlier petition was withdrawn as not pressed on 30.01.2019 and more than six months have elapsed since then. The dispute is stated to have arisen pursuant to the election conducted. We do feel that there are arguable points available in the appeal.

6. Considering the above, the substantive sentence of imprisonment alone is suspended on condition that 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 II Additional Sessions Court, Chidambaram 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/-

11/07/2019

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

सत्यमेव जयते
TRUE COPY

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

TO

1 THE II ADDITIONAL SESSIONS
COURT, CHIDAMBARAM

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, WOMEN, VELLORE

4 THE INSPECTOR OF POLICE,
CHIDAMBARAM TALUK POLICE STATION,
CUDDALORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.R.SANKARASUBBU Advocate on payment of necessary
charges SR.NO. 14241

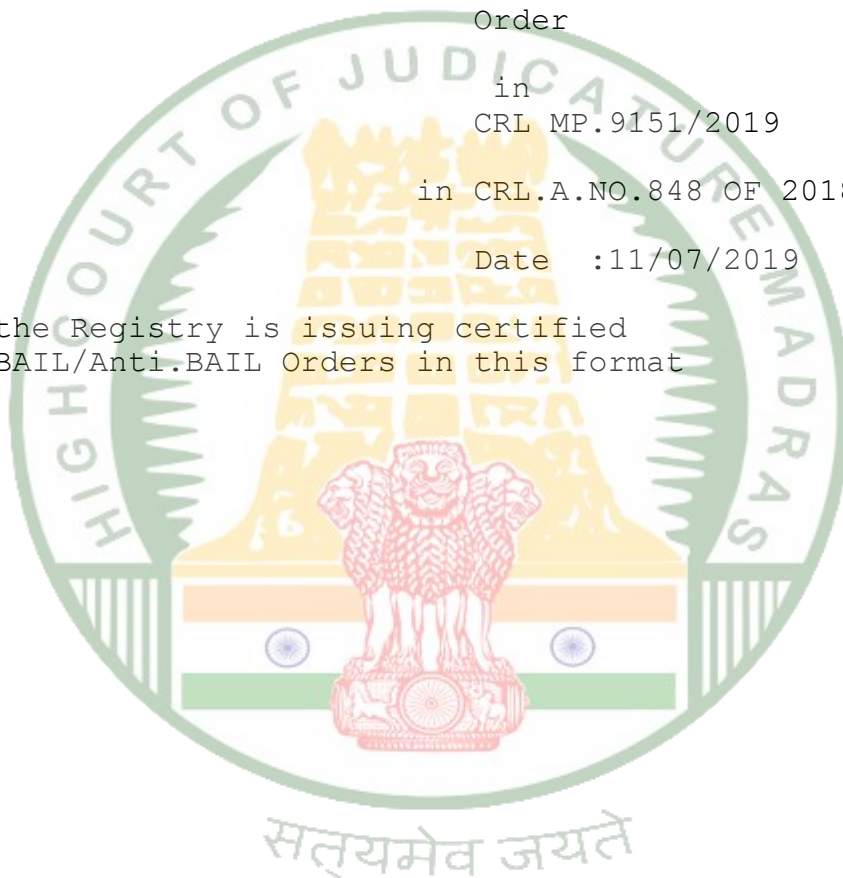
Order

in
CRL MP.9151/2019

in CRL.A.NO.848 OF 2018

Date :11/07/2019

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