

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirteenth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.6773 of 2019

IN CRL.A.NO.296 OF 2019

SUBASH CHANDRA BOSE

[PETITIONER]

Vs

[RESPONDENT]

STATE REP BY
INSPECTOR OF POLICE,
MUTHUPET POLICE STATION,
TIRUVARUR DISTRICT.
CR.NO.369/2016.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.296/2019 on the file of the High Court, the High Court will be pleased to enlarge the petitioner on bail by suspending the sentence imposed in S.C.No.34 of 2017 dated 24.04.2019 on the file of the Additional Sessions Court (Fast Track Mahila Court), Tiruvarur pending disposal of the C.A.No.296/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.296/2019 on the file of the High Court and upon hearing the arguments of M/S.T.MURUGANANTHAM Advocate for the petitioner and of MR.KRITIKA KAMAL.P Government Advocate[crl.side] on behalf of the Respondent the court made the following order:-

The petitioner was prosecuted under Section 302 IPC in S.C.No.34 of 2017 and was convicted under Section 304 II IPC and by judgment dated 24.04.2019, was sentenced to undergo two years rigorous imprisonment. Challenging the same, the petitioner has filed the present appeal.

2. The Trial Court has suspended the sentence till 20.06.2019 at a very specious reasoning in paragraph no.8 of the order, which reads as under:

"8. Since the injured/deceased is the mother of the accused and the accused attacked her only one time and her death caused impact of injury due to the old-age and the wife of the accused is in advance stage of pregnancy and he has to maintain his family and there is no bad antecedent and the manner in which attack is made is not cruel which are mitigating circumstance."

3. The Trial Court has given a finding that the petitioner attacked his aged mother with a hatchet and she has suffered a cut injury measuring 3x1x2 cm on her head, which resulted in her death. According to the learned Judge, the petitioner had attacked his mother only once and that has been held as a mitigating circumstance.

In the opinion of this Court, the reasoning of the Trial Judge is *ex facie* unacceptable. Therefore, this petition is dismissed and the petitioner is directed to surrender before the Trial Court and thereafter file a fresh petition for suspension of sentence and bail, immediately.

-sd/-

13/06/2019

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 IV ADDITIONAL SESSIONS
COURT, FAST TRACK MAHILA COURT, TIRUVARUR

2 THE ADDITIONAL SESSIONS JUDGE,
FAST TRACK MAHILA COURT, TIRUVARUR.

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR[FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MUTHUPET POLICE STATION,
TIRUVARUR DISTRICT.

+1 C.C. to M/S.T.MURUGANANTHAM Advocate on payment of necessary
charges SR.NO. 11677

Order

in

CRL MP.6773/2019

IN CRL.A.NO.296 OF 2019

Date :13/06/2019

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

RD 20/06/2019

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