

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the First day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.9233 of 2019

IN CRL A.428/2019

1 MUNIRATHNA
2 JAYARAMAN

[PETITIONER]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
KRISHNAGIRI DISTRICT
(CRIME NO.723/2013).

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.428 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence and conviction imposed against the petitioners by Learned Sessions Judge, Fast Track Mahalir Court, Krishnagiri in S.C.No.19/2014 dated 25.06.2019 and enlarge the petitioners on bail pending disposal of the said Crl.A.No.428 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.428 of 2019 on the file of the High Court and upon hearing the arguments of M/S.PAARTHIBAN V., Advocate for the petitioner and of MR. KRITIKA KAMAL.P, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This petition is filed seeking to suspend the sentence imposed on the petitioners, by judgment and order dated 25.06.2019 passed in S.C.No.19 of 2014 on the file of the Sessions Court (Fast Track Mahila Court), Krishnagiri.

2. The petitioners, who were accused 1 and 2 in S.C.No.19 of 2014 before the Sessions Court (Fast Track Mahila Court), Krishnagiri, was convicted under Sections 498-A and 304-B r/w 34 IPC and sentenced to undergo various terms of imprisonment, the maximum being seven years rigorous imprisonment.

3. Challenging the conviction and sentence, the petitioners have filed the above appeal and are seeking suspension of sentence and bail.

4. Heard Mr.V.Paarthiban, learned counsel for the petitioners and Mrs.P.Kritika Kamal, learned Government Advocate (Crl. Side) for the respondent/State.

5. It is seen that the Trial Court has acquitted Ashok Kumar (A3), husband of the deceased, but, has convicted the parents in law of the deceased viz., the petitioners herein. That apart, two brothers of the deceased viz., Srinath (PW3) and Babu (PW4) has turned hostile.

6. The petitioners have raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. Moreover, the petitioners have been in incarceration from the date of the judgment, viz., 25.06.2019. In such view of the matter, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence and bail is granted on the following conditions:

(i) The petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate No.II, Osur, Krishnagiri District.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate No.II, Osur, Krishnagiri District, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioners shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if they are not able to appear before the Trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of their absence, as directed by the Trial Court.

-sd/-

01/08/2019

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,
FAST TRACK MAHILA COURT, KRISHNAGIRI

2 THE JUDICIAL MAGISTRATE,
NO.II, OSUR, KRISHNAGIRI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
KRISHNAGIRI DISTRICT

5 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

6 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

7 THE SUPERINTENDENT,
CENTRAL PRISON, SPECIAL PRISON FOR WOMEN,
VELLORE.

C.C. to M/S.PAARTHIBAN V. Advocate on payment of necessary
charges SR.NO.15968

Order

in
CRL MP.9233/2019

in
CRL A.428/2019

Date :01/08/2019

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RVR 01/08/2019