

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fourteenth day of August 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.10887 of 2019

IN CRL.A.NO.244 OF 2018

MURUGAN @ PAAPPAAN

[PETITIONER / APPELLANT / SOLE ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE,
DHALI POLICE STATION,
TIRUPPUR DISTRICT.
CRIME NO.41/2016.

Petition praying that in the circumstances stated therein the High Court will be pleased to enlarge the Petitioner on bail by suspending the sentence imposed in S.C.No.113/2016 dated 15.11.2017 on the file of the III Additional District and Sessions Court, Tiruppur at Dharapuram pending disposal of C.A.No.244 of 2018 [IN CRL.MP.NO.10887 OF 2019]

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S. MURUGANANTHAM T., 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 is the sole accused in S.C. No. 113 of 2016 on the file of the learned III Additional District and Sessions Judge, Tiruppur at Dharapuram. The trial Court, convicted the petitioner for the offence punishable under Section 302 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.1,000/- in default to undergo three months simple imprisonment. Seeking suspension of sentence, the present petition has been filed.

2. The petitioner is the son of P.W.3. The case of the prosecution is that in view of the illicit intimacy with P.W.3 and the deceased under whom she and her husband were working, the petitioner committed the offence. The petitioner having found the deceased and P.W.3 together, thereafter committed the offence.

3. The learned counsel appearing for the petitioner would submit that even assuming the case of the prosecution is true, it would come under one of the exceptions provided under Section 300 IPC. The petitioner has been under incarceration from 15.11.2017 onwards. Thus, this petition will have to be allowed.

4. The learned Additional Public Prosecutor appearing for the State would submit that even P.W.3, who is none other than the mother of the petitioner, has deposed against him. Therefore, this petition will have to be dismissed.

5. We find force in the submission made by the learned counsel appearing for the petitioner. The petitioner is under incarceration from 15.11.2017 onwards. The case of the prosecution is to the effect that P.W.3 was having illicit relationship with the deceased and the same continued despite warning by the petitioner. Even at the time of occurrence, they were seen together.

6. Considering the above, we are inclined to suspend the sentence. Accordingly, 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 Judicial Magistrate No.I, Udumalpet and on further condition that the petitioner shall appear before the concerned Court on the first working day of every month at 10.00 a.m. pending appeal.

-sd/-
14/08/2019

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.

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TO

1 THE JUDICIAL MAGISTRATE,
NO.I, UDUMALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE III ADDITIONAL DISTRICT
AND SESSIONS COURT, TIRUPPUR AT DHARAPURAM.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
DHALI POLICE STATION,
TIRUPPUR DISTRICT.

+1C.C. to M/S. MURUGANANTHAM T. Advocate on payment of necessary
charges SR NO.16992

Order

in

CRL MP.10887/2019

in

CRL A.244/2018

Date :14/08/2019

From 7.2.2001 the Registry is issuing certified
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MK:19/08/2019

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