

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Sixth day of November Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M.M.SUNDRESH

and

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.11015 of 2019

IN CRL.A.NO.483 of 2018

BACKYARAJ

[PETITIONER]

Vs

STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
PERUR ALL WOMEN POLICE STATION,
COIMBATORE DISTRICT.

(*) (CRIME NO.33/2013)

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i)enlarge the petitioner on bail by suspending the sentence imposed in S.C.No.20/2013 on the file of III Additional District and Sessions Judge, Tirupur at Tarapuram pending disposal of C.A.No.483/2018.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.MURUGANANTHAM T., Advocate for the petitioner, and of MR. K.PRABAKAR, 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 has been arrayed as sole accused in S.C.No. 215 of 2014 on the file of Sessions Judge, Magalir Needhimandram, Coimbatore. The trial Court, by judgment dated 12.10.2017 convicted the petitioner for the offence punishable under Sections 302 and 201 IPC and for the offence punishable under Section 302 IPC sentenced to undergo life imprisonment and to pay a fine of Rs.2,500/-, in default, to undergo three months rigorous imprisonment and for the offence punishable under Section 201 IPC sentenced to undergo seven

years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months rigorous imprisonment and ordered the sentences to run concurrently. Seeking suspension of sentence imposed, the present petition has been filed.

2. The case of the prosecution in nut shell is that the petitioner who is the husband of the deceased picked up quarrel with her during Deepavali festival for not preparing a special meal. Thereafter, the petitioner attacked the deceased with wooden plank. Then, he created a scene as if she committed suicide.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been under incarceration for more than two years. The judgment was delivered on 12.10.2017 and there are sufficient points available in the appeal. Thus, the suspension of sentence will have to be granted to the petitioner.

4. The learned Additional Public Prosecutor appearing for the State would submit that the evidence available including one of the Doctor would clearly prove the case of the prosecution as rightly concluded by the trial Court. Thus, this petition will have to be dismissed.

5. The fact remains that the petitioner has been under incarceration for more than two years. We do find existence of sufficient points available in the appeal.

6. Considering the above and coupled with the period of incarceration, 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, Additional Mahila Court, Coimbatore and on further condition that the petitioner shall report before the concerned Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

26/11/2019

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.

(*) AMENDED AS PER ORDER OF THIS COURT DATED 15/04/2021 MADE IN
CRL.M.P.No.4000 OF 2021 IN CRL.A.NO.483 OF 2018 BY THE COURT

The Hon`ble Mr Justice P.N.PRAKASH
and
The Hon`ble Mr Justice R.PONGIAPPAN

TO

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE III ADDITIONAL DISTRICT AND
SESSIONS JUDGE, COURT, TIRUPUR.

4 THE SESSIONS JUDGE,
MAGALIR NEEDHIMANDRAM, COIMBATORE.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

6 THE INSPECTOR OF POLICE,
PERUR ALL WOMEN POLICE STATION,
COIMBATORE DISTRICT.

7 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. MURUGANANTHAM T. Advocate on payment of
necessary charges SR.NO.4800

Order
in
CRL MP.11015/2019
in
CRL.A.NO.483/2018

Date :26/11/2019

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TA-28/11/2019
RVR 27/04/2021