

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventeenth day of September 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.11558 of 2019

IN CRL.A.NO.521 OF 2019

GURU @ GURUNATHAN @ BALAGURUNATHAN [PETITIONER / APPELLANT /
ACCUSED]

Vs

STATE BY [RESPONDENT]
THE INSPECTOR OF POLICE,
TIRUPUR SOUTH POLICE STATION,
TIRUPUR
(CRIME NO.790/2015).

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.521 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed against him by the trial Court in the judgement dated 26/06/2019 made in S.C.No.109/2016 on the file of the Magalir Neethimandram (Fast Track Mahila Court), Tirupur and enlarge the Petitioner on Bail, pending disposal of the above CRL.A.NO.521 OF 2019 [IN CRL.MP.NO.11558 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.521 OF 2019 on the file of the High Court and upon hearing the arguments of M/S. P.M.DURAI SWAMY, 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 is the sole accused in S.C.No.109 of 2016 on the file of the Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur. The Trial Court by judgment dated 26.06.2019 convicted the petitioner for the offence punishable under Sections 307, 506(ii) and 309 IPC and for the offence under Section 307 IPC, sentenced to undergo life imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo one year rigorous imprisonment, for the offence under Section 506(ii) IPC, sentenced to undergo 7 years rigorous imprisonment and for the offence under Section 309

IPC, to pay a fine of Rs.5,000/-, in default to undergo six months rigorous imprisonment and the sentences are ordered to run concurrently. Challenging the same, the present appeal has been filed and seeking suspension of sentence, the present petition has been filed.

2.Learned counsel appearing for the petitioner submitted that even assuming the case of the prosecution is true, the offence punishable under Section 326 IPC alone would come and there is no intention to murder P.W.1. The eye witnesses ought not to have been relied upon by the prosecution as even according to P.W.1, the auto driver came thereafter.

3.The learned Additional Public Prosecutor appearing for the State submits that there are eye witnesses to the case. The petitioner after committing the offence with the material object viz., broken glass bottle tried to commit suicide. The petitioner and P.W.1 were having love affair. Since she refused to marry him, the petitioner committed the offence.

4.The petitioner has been under incarceration from 26.06.2019 onwards. The overt act is that the petitioner attacked P.W.1 with broken glass bottle. Even as per the case of the prosecution, there was a love affair between the petitioner and P.W.1. On analysis of the evidence available both oral and documentary, we do find sufficient arguable points available in the appeal.

5.In such view of the matter, 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 the Judicial Magistrate No.II, Tiruppur, 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.

सत्यमेव जयते
-sd/-

17/09/2019

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 JUDICIAL MAGISTRATE,
NO.II, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE SESSIONS JUDGE,
MAGALIR NEETHIMANDRAM
[FAST TRACK MAHILA COURT],
TIRUPPUR.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE INSPECTOR OF POLICE,
TIRUPUR SOUTH POLICE STATION,
TIRUPUR.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S. P.M.DURAISWAMY Advocate on payment of necessary
charges SR NO.19382

Order

in
CRL MP.11558/2019

in
CRL.A.521/2019

Date :17/09/2019

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MK:18/09/2019

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