

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Nineteenth 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.15622 of 2019

IN CRL.A.NO.743 OF 2019

CHITRA

[PETITIONER]

Vs

STATE BY THE INSPECTOR OF PO [RESPONDENT]
LICE, KRISHNAGIRI TALUK POLICE STATION,
KRISHNAGIRI DISTRICT.
CRIME NO. 675/2017

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No. on the file of the High Court, the High Court will be pleased to suspend the sentence imposed against the petitioners in S.C. No. 66/2018 on the file of the Learned Sessions Judge, (Fast Track Magalir Neethimandram) Krishnagiri District dated 16.10.2019 and enlarge the petitioner on bail pending disposal of the said Crl.A.No.743/2019. [CRL.MP.NO.15622/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No. on the file of the High Court and upon hearing the arguments of M/S.E.KANNADASAN, Advocate for the petitioner and of MR.K.PRABAKAR ADDL. 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 the sole accused in S.C.No. 66 of 2018 on the file of Sessions Judge (Fast Track Magalir Neethimandram), Krishnagiri. The trial Court, by judgment dated 16.10.2019 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 six months rigorous imprisonment. Seeking suspension of sentence imposed, the present petition has been filed.

2. The case of the prosecution is that the petitioner enraged over the illicit relationship between her husband and the deceased and pursuant to a wordy quarrel, attacked her with fish cleaning

knife. The trial Court, convicted the petitioner for the offence punishable under Section 302 IPC.

3. The learned counsel appearing for the petitioner submitted that there is no premeditation involved. There was a wordy quarrel between the petitioner and the deceased. Even according to the prosecution, the deceased was having illicit relationship with the husband of the petitioner. The petitioner is also a lady. Thus, considering the above, the suspension will have to be granted to the petitioner.

4. The learned Additional Public Prosecutor appearing for the State submitted that the petitioner attacked the deceased with the fish cleaning knife. Therefore, this petition will have to be dismissed.

5. The major injury appears to be the one single stab. *Prima facie*, it appears to be a case that might fall under Section 304 Part (I) or Part (II) of IPC. Considering the facts of the case particularly, the fact that the petitioner is a lady and even according to the prosecution, the deceased was having illicit relationship with the husband of the petitioner, we are inclined to suspend the sentence.

6. 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 Sessions Judge (Fast Track Magalir Neethimandram), Krishnagiri and on further condition that the petitioner shall stay at Hosur and report before the Town Police Station, Hosur every day at 10.30 a.m., until further orders.

-sd/-

19/11/2019

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.

TO

1 THE SESSIONS JUDGE
FAST TRACK MAGALIR NEETHIMANDRAM
KRISHNAGIRI, KRISHNAGIRI DISTRICT

2 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN,
VELLORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE BY THE INSPECTOR OF POLICE
KRISHNAGIRI TALUK POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE OFFICER IN CHARGE
TOWN POLICE STATION, HOSUR

+1 C.C. to M/S.E.KANNADASAN Advocate on payment of necessary
charges SR.NO. 23812

Order

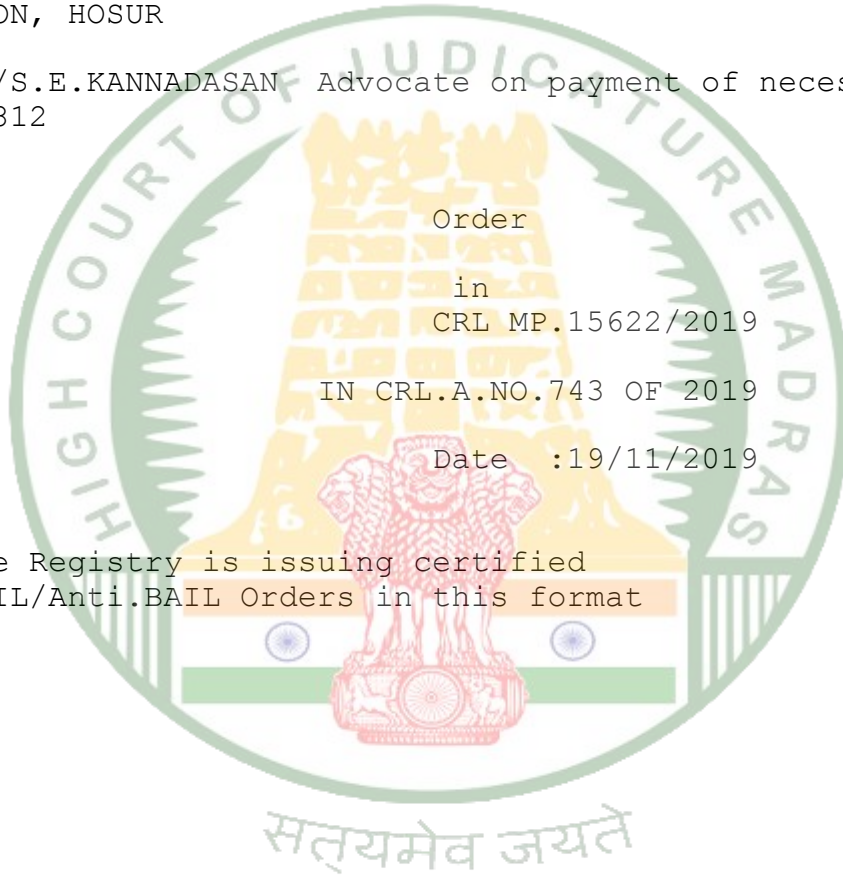
in

CRL MP.15622/2019

IN CRL.A.NO.743 OF 2019

Date :19/11/2019

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RD 19/11/2019



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