



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the First day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.4508 of 2019
IN
CRL A(MD) No.215 of 2019

ANANTHALAKSHMI

... PETITIONER/APPELLANT/
SOLE ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
SANKARANKOVIL TOWN POLICE STATION,
TIRUNELVELI DISTRICT
CRIME NO.132/2015

... RESPONDENT/ RESPONDENT/
COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the execution of sentence by granting bail in S.C.No.70/2016 on the file of the 1st Additional Sessions & District Judge, Tirunelveli, Tirunelveli District, dated 15/04/2019 till the disposal of the Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.V.KATHIRVELU, Senior Counsel for Mr.K.PRABHU, Advocate for the petitioner and of Mr.R.ANANDARAJ, Additional Public Prosecutor on behalf of the Respondents, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner by the learned I Additional District and Sessions Judge, Tirunelveli District, in S.C.No.70 of 2016 dated 15.04.2019 and enlarge the petitioner pending disposal of the criminal appeal.

2.Mr.V.Kathirvelu, the learned Senior counsel for the petitioner submitted that petitioner was convicted by the District and Sessions Judge (Fast Track Mahila Court), Kanyakumari District @ Nagercoil convicting her and sentenced to undergo RI for 7 years and also imposed a fine of Rs.1,000/-, in default to suffer RI for a period of 6 months for the offence Section 304(i) IPC.



3.It is also submitted by the learned Senior counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses and that the petitioner is in jail for more than 65 days. In view of the above circumstance, the petitioner seeks the relief of suspension of sentence till the disposal of the appeal.

4.It is submitted by the learned Government Advocate (Criminal side) that there are enough materials available on record against the petitioner as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and prays for dismissal of this petition.

5.This court has carefully considered the rival contentions put forward by their side and also perused the materials available on record.

6.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and the petitioner is in jail for more than 65 days and as such, this court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7.Accordingly, this petition is **allowed** and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that she shall execute 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, Sankarankovil and on further condition that the petitioner shall appear before the said court daily at 10.00 am and 5.00 pm until further orders.

sd/-

01/07/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S-II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE 1ST ADDITIONAL DISTRICT AND SESSIONS
JUDGE, TIRUNELVELI, TIRUNELVELI DISTRICT.

2.THE DISTRICT AND SESSIONS JUDGE,
<https://hcservices.courts.gov.in/hcservices/>
(FAST TRACK MAHILA COURT),
KANYAKUMARI DISTRICT AT NAGERCOIL.



3. THE JUDICIAL MAGISTRATE,
SANKARANKOVIL.

4. THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

5. THE INSPECTOR OF POLICE,
SANKARANKOVIL TOWN POLICE STATION,
TIRUNELVELI DISTRICT

6. THE SUPERINTENDENT,
WOMEN PRISON, TRICHY.

7. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to Mr.K.PRABHU Advocate SR.No.10789

ORDER
IN
CRL MP (MD) No.4508 of 2019
IN
CRL A (MD) No.215 of 2019
Date :01/07/2019

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TK/PN/SAR.2/03.07.2019/3P/9C