

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

AND

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRL.M.P. No. 496 of 2020

in CrI.A. No. 24 of 2020

Munusamy

....Petitioner

Vs.

State rep. By
The Inspector of Police,
Uthanapalli Police Station,
Uthanapalli,
Krishnagiri District.
Cr.No. 161 of 2014.

....Respondent

Prayer: Prayer: Petition filed under Section 389(1) of Cr PC to suspend the sentence of imprisonment imposed in the judgement dated 10.05.2017 made in S.C.No. 156 of 2016 on the file of the Sessions Judge, Fast Track Mahila Court, Krishnaigiri, Krishnagiri District and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner .. Mr.C.R.Malarvannan

For Respondent .. Mr.R. Prathap Kumar,
Addl. Public Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the sole accused in S.C.No. 156 of 2016 on the file of Sessions Judge, Fast Track Mahila Court, Krishnagiri, Krishnagiri District. The trial Court by judgment dated 10.05.2017 convicted the petitioner for the offence punishable under Section 302 IPC and sentenced him to undergo imprisonment for life and to pay a fine of Rs.10,000/-, in default to undergo six months simple imprisonment. Seeking suspension of sentence imposed, the present petition has been filed.

2. The case of the prosecution is that the petitioner, in pursuant to a wordy quarrel, set the deceased, who is none other than his wife, on fire.

3. Learned counsel appearing for the petitioner submitted that the petitioner has been under incarceration from 10.05.2017 onwards. P.W.3, the daughter, has turned hostile. It is further submitted that the Trial Court has wrongly relied upon the statement given by the deceased to the Police Officer, who registered the case. Hence, the sentence will have to be suspended.

4. Learned Additional Public Prosecutor appearing for the State submitted that not only the statement of the deceased given to the Police but also the statement of the deceased to P.W.1 need to be considered. Therefore, the present petition will have to be dismissed.

5. Now, as of now, the petitioner has been under incarceration for more than 3 ½ years. The deceased was none else than his wife. P.W.3, daughter, has turned hostile. The evidentiary value of the statement made by the deceased and that of P.W.14 require to be considered in the appeal. Therefore, considering the above, 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 Judicial Magistrate No.II, Hosur 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/-
09/12/2020

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 COURT,
FAST TRACK MAHILA COURT,
KRISHNAGIRI, KRISHNAGIRI DISTRICT.

2 THE JUDICIAL MAGISTRATE NO.II,
HOSUR.

3 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
UTHANAPALLI POLICE STATION,
UTHANAPALLI,
KRISHNAGIRI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 C.C. to M/S. C.R.MALARVANNAN Advocate on payment of
necessary charges SR.NO.8027

Order

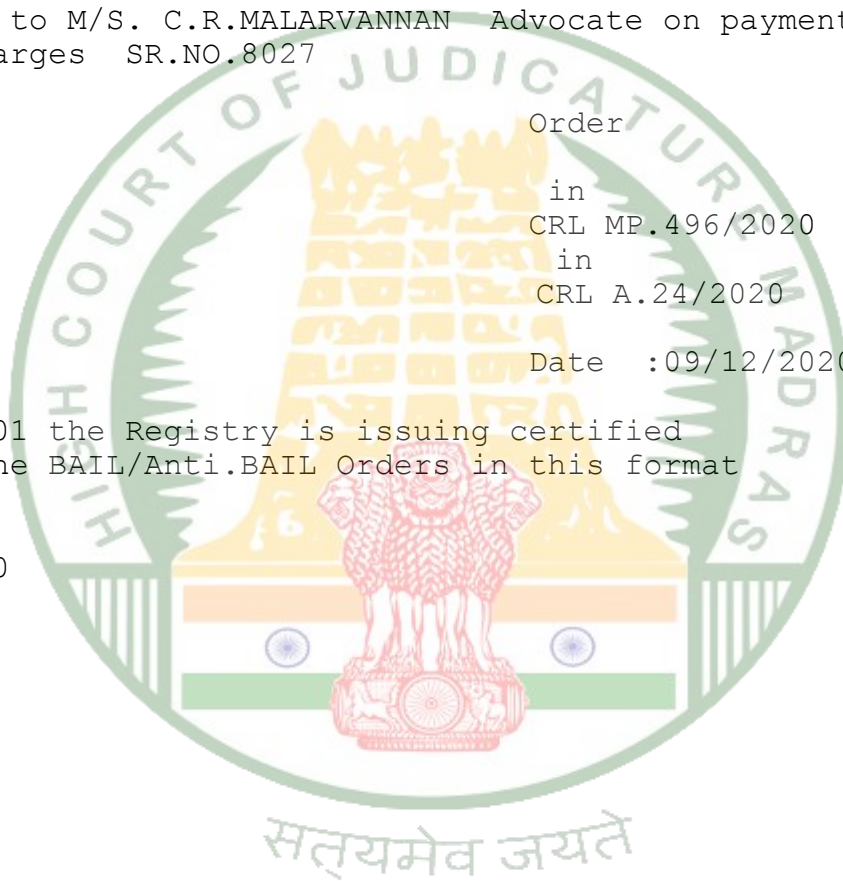
in
CRL MP.496/2020

in
CRL A.24/2020

Date :09/12/2020

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

TA-10/12/2020



WEB COPY