

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

and

The Hon'ble Mr. Justice D.KRISHNAKUMAR

CRL MP No. 2327 of 2020

in Crl.A No. 124 of 2020

Thiyagarajan

... Petitioner

vs

State of Tamil Nadu

Rep. by The Inspector of Police,
Saravanampatti Police Station,
Coimbatore District.

... Respondent

Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence of imprisonment imposed in judgment dated 29.01.2020 made in S.C.No.137 of 2019 on the file of the I Additional District Sessions Court, Coimbatore and enlarge him on bail pending appeal.

For Petitioner .. Mr.J.Ramkumar

For Respondent .. Mr.K.Prabhakar,
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.137 of 2019 on the file of the I Additional District Sessions Court, Coimbatore. The trial Court by judgment dated 29.01.2020 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 three months simple imprisonment. Seeking suspension of sentence imposed, the present petition has been filed.

2.The petitioner is the father-in-law of the deceased. The deceased used to quarrel with the daughter of the petitioner suspecting her fidelity. Enraged over the same, the petitioner attacked the deceased, with M.O.-1 - knife and committed the offence. The trial Court convicted the petitioner. Seeking suspension of sentence, the present petition has been filed.

3.Learned counsel appearing for the petitioner submitted that most of the crucial witnesses turned hostile including P.Ws 2 and 3 and the witnesses who signed the recovery mahazar. There is a material discrepancy in the evidence of P.W.1. P.W.1 would not have been present in the place of occurrence. Therefore, the petitioner did not speak about presence of P.Ws. 2 and 3. Thus, considering the above, and taking into consideration the period of incarceration, the sentence will have to be suspended.

4.Learned Additional Public Prosecutor appearing for the State submitted that the trial Court convicted the petitioner based upon not only the evidence of P.W.1 but other witnesses coupled with the recovery. Hence, the petition will have to be dismissed.

5. The petitioner is the father-in-law of the deceased. The petitioner and the deceased and the daughter of the petitioner were quarrelling with each other as the deceased was questioning her character. He was also stated to be constantly harassing and beating her. Under those circumstances, the petitioner is stated to have gone to the place of the deceased and committed the offence. As stated, the only eye witness is P.W.1 and the other witnesses turned hostile. The witnesses for the recovery mahazar also turned hostile. Thus, considering the above, we are of the view that the petitioner can be enlarged on bail who is aged about 62 years and is under incarceration from 29.01.2020 onwards.

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 I Additional Sessions Judge, 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/-

10/11/2020

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 1ST ADDITIONAL SESSIONS JUDGE,
COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SARAVANAMPATTI POLICE STATION,
COIMBATORE DISTRICT.

C.C. to M/S.J.RAMKUMAR Advocate on payment of necessary
charges

Order

in

CRL.MP.NO.2327/2020

in

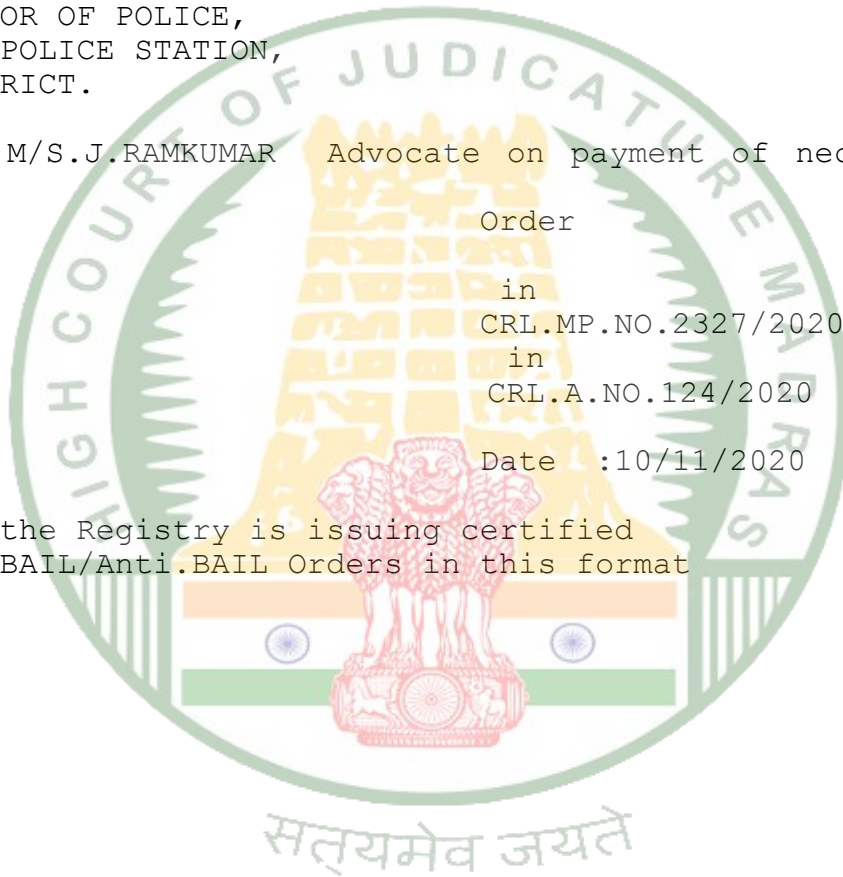
CRL.A.NO.124/2020

Date :10/11/2020

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

MK:11/11/2020

MK:19/11/2020



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