

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2020

Coram

The Hon'ble Mr. Justice **M.M.SUNDRESH**
and
The Hon'ble Mr. Justice **D.KRISHNAKUMAR**

CRL MP No. 7676 of 2020
in
Crl.A No. 98 of 2020

Sabhana

... Petitioner

VS

The State Rep. by
The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District

... Respondent

Petition filed under Section 389(1) of Cr PC to suspend the sentence and release the petitioner on bail pending disposal of the above C.A.No. 98 of 2020 filed against S.C.No.71 of 2019 on the file of the Additional Sessions Judge, Krishnagiri.

For Petitioners .. M/s.V.Krishnamoorthy

For Respondent ... Mr.K.Prabhakar,
Addl. Public Prosecutor

ORDER

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

The petitioner has been arrayed as A2 in S.C.No. 71 of 2019 on the file of Additional District and Sessions Judge, Krishnagiri for major offences punishable under Section 302 IPC. Seeking suspension of sentence imposed, the present petition has been filed.

2. The case of the prosecution is that this petitioner who has been arrayed as A2 was having illicit relationship both with the deceased and A1. The subsequent relationship of her with A1 was not to the liking of the deceased. On the date of occurrence the deceased came to the house of the petitioner and created a ruckus, the petitioner called A1 thereafter the deceased ran away with him.

3. The learned counsel for the petitioner submitted that this is a case of circumstantial evidence, A3 already been granted suspension of sentence by this Court. There is no material to implicate this petitioner except the confession made followed by her arrest and recovery which are doubtful in nature. Even otherwise if the deceased was found to be in a drunken mood, the occurrence was said to have

happened within the premises of the petitioner. Therefore, considering the above, suspension of sentence will have to be granted especially when the conviction was rendered by the trial Court on 01.02.2020. The petitioner is also a lady.

4. Learned Additional Public Prosecutor appearing for the State submitted that pursuant to the statement made by A1, the body has been recovered. The mobile phone was also recovered from the petitioner, hence the petition is liable to be dismissed.

5. We do find that there are relevant points available in the appeal to be adjudicated at the time of final hearing, since the petitioner is a lady. Even according to the prosecution, the deceased was fully drunk and he came to the house of the petitioner and created trouble.

6. Therefore, considering the above, this petition is dismissed.

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(M.M.S., J.) (D.K.K., J.)
09.12.2020

ak/nv

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M.M.SUNDRESH, J
and
D.KRISHNAKUMAR, J.

(Order of the Court was made by M.M.SUNDRESH, J.)

This matter is listed today under the caption 'for being spoken to' at the instance of the learned counsel appearing for the petitioner.

2.Learned counsel appearing for the petitioner submitted that this Court has granted suspension of sentence on 09.12.2020 but it has been wrongly typed as dismissed.

3.Considering the submission made by the learned counsel appearing for the petitioner, para 6 of the order dated 09.12.2020 is modified as under:

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 Additional District and Sessions Judge, Krishnagiri, 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.*

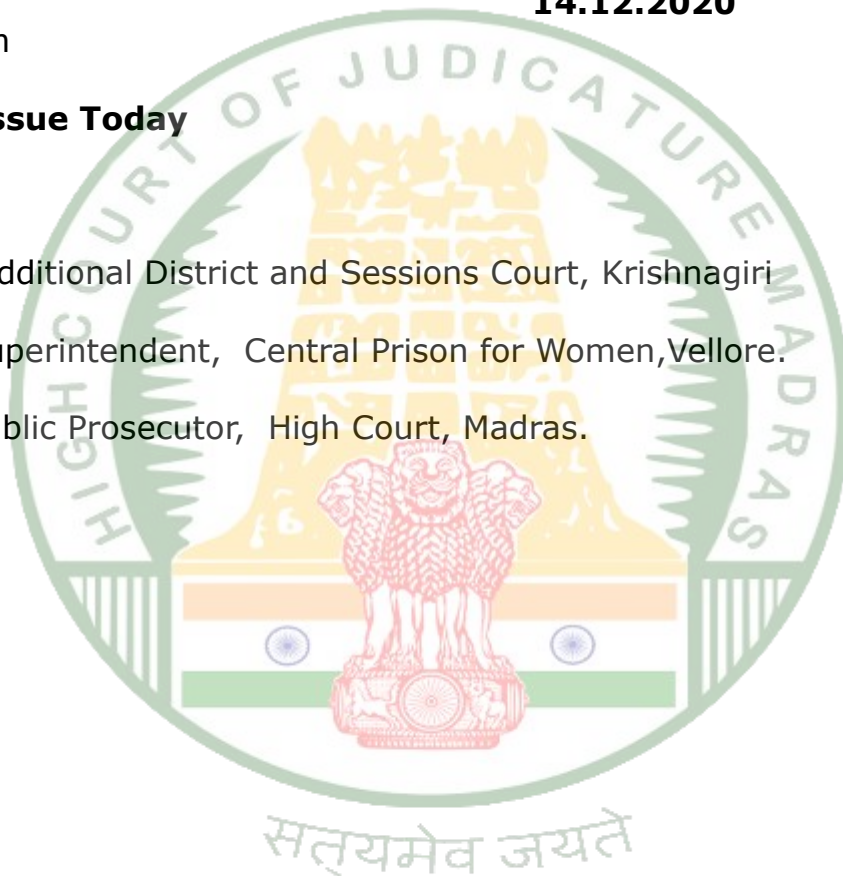
(M.M.S., J.) (D.K.K. ,J.)
14.12.2020

mmi/ssm

Note: Issue Today

To

- 1.The Additional District and Sessions Court, Krishnagiri
- 2.The Superintendent, Central Prison for Women,Vellore.
- 3.The Public Prosecutor, High Court, Madras.



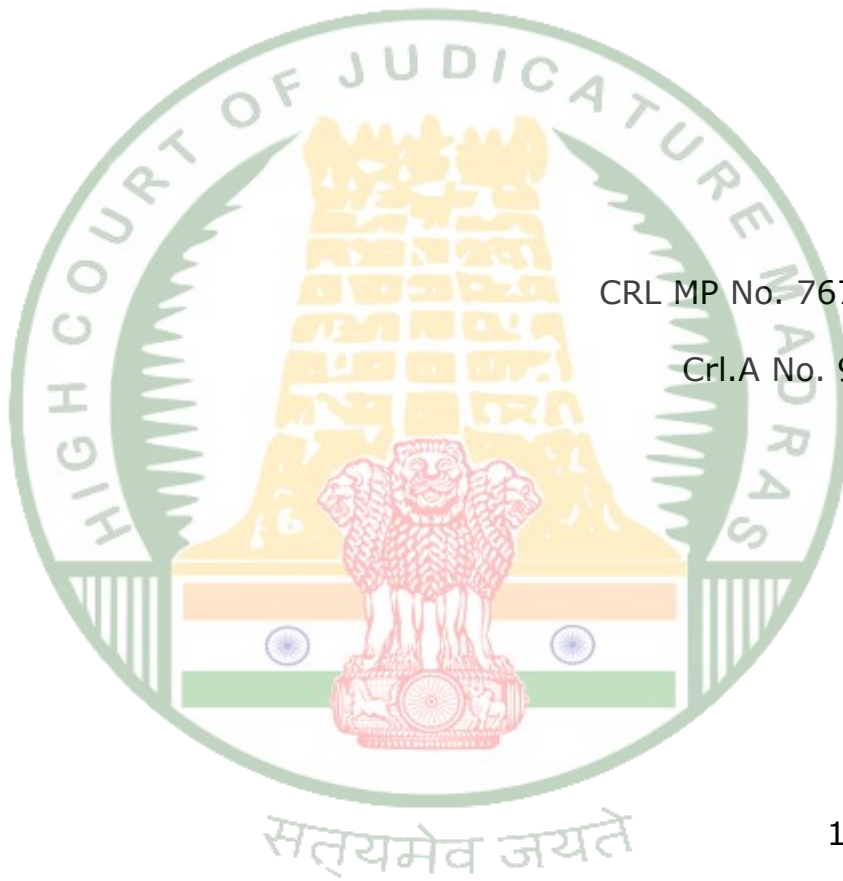
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