



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Twentieth day of January Two Thousand Twenty

WEB COPY

PRESENT

The Hon`ble Mr Justice R.SUBBIAH

and

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL MISCELLANEOUS PETITION No.14511,15235 & 16268 of 2019
in CRL.A.NOS.688,734 & 762 OF 2019

G.JAYAPRAKASH

[PETITIONER
IN CRL.MP.NO.14511/2019]

ANITHA DEVI

[PETITIONER
IN CRL.MP.NO.15235/2019]

J.SANKAR

[PETITIONER
IN CRL.MP.NO.16268/2019]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MATHUR POLICE STATION,
KRISHNAGIRI DISTRICT.
CR.NO.360/2011.

[RESPONDENT]
IN ALL THE PETITIONS]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal Nos.688,734 & 762/2019 on the file of the High Court, the High Court will be pleased to

[I]suspend the sentence passed by the learned Additional District and Sessions Judge, Krishnagiri, Krishnagiri District in SC.No.117 of 2016 dated 22.08.2019 against the petitioner enlarge the petitioner on bail pending disposal of the criminal appeal. [CRL.MP.NO.14511/2019]

[II]suspend the sentence imposed as against the petitioner in the Judgement dated 22/08/2018 in S.C.NO.117 OF 2016 on the file of the additional District and Sessions Judge, Krishnagiri, pending disposal of the above criminal appeal.[CRL.MP.NO.15235/2019]

[III]Suspend the execution of sentence imposed on the petitioner/appellant by the order of the learned Additional district Sessions Judge of Krishnagiri in S.C.NO.117 OF 2016 dated 22.08.2019 pending disposal of the above appeal.[IN CRL.MP.NO.16268/2019]



Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal Nos.688,734 & 762/2019 on the file of the High Court and upon hearing the arguments of M/S.V.RAJAMOHAN Advocate for the petitioner [IN CRL.MP.NO.14511/2019] and of MR.AR.L.SUNDARESAN SENIOR COUNSEL FOR M/S.AL.GANTHIMATHI Advocate[IN CRL.MP.NO.15235/2019]AND OF M/S.K.THILAGESWARAN Advocate[IN CRL.MP.NO.16268/2019] and of MRS.M.PRABHAVATHI ADDL.PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioners/A1 to A3 faced trial in S.C. No.117 of 2016 on the file of the learned Additional District and Sessions Judge, Krishnagiri, Krishnagiri District. The Trial Court under judgment dated 22.08.2019, convicted the petitioners and sentenced them as follows:

Accused	Offence	Sentence
A1 to A3	120(B) IPC	Life imprisonment and fine of Rs.10,000/- each i/d 6 months S.I.
	302 r/w 34 IPC	Life imprisonment and fine of Rs.10,000/- each i/d 6 months S.I.
	201 IPC	7 years R.I. and fine of Rs.5,000/- each i/d 6 months S.I.

The Trial Court directed that sentences run concurrently. Hence, petitioners seek suspension of sentence.

2.The case of the prosecution is that A2 and A3 are the drivers of the brother of A1, who is the wife of the deceased and that there was an illicit intimacy between A1 and A2. The deceased, who was a drunkard and a gambler, used to regularly suspect the character of A1. Due to the same, A1 planned to do away with the deceased with the help of A2 and A3. While so, on 31.10.2011, A2 and A3 brought a TATA Sumo Car bearing Registration No.TN-70-D-5802 and went to the lake at 05.00 p.m. and dug a pit. Thereafter, at 11.45 p.m., A1 called A2 and A3 to her house. All the three accused smothered the deceased with a pillow. A2 cut the throat of the deceased and due to the same, the deceased died. Thereafter, the accused covered the dead body with the bed sheet and tied the same and took the body to the lake and buried the same.

3.Learned counsel for the petitioners submits that all the witnesses examined on the side of the prosecution, have turned hostile and that the conviction was made only based on the confession statement given by the accused persons to the investigating officer. Learned counsel for the petitioners drawn the attention of this Court to the entire judgment and submitted that that the conviction was solely based on the confession statement. Learned counsel submits that the petitioners are presently confined at Central Prison & Central Prison for Women, Vellore respectively and that there are



several infirmities and inconsistencies found in the prosecution case.

4. Learned Additional Public Prosecutor vehemently opposes to grant suspension of sentence to the petitioners.

5. Considering the facts and circumstances of the case and in view of the fact that the petitioners have been in custody for nearly four months, that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by learned counsel for the petitioners and further the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.

Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail on condition that each of the petitioners shall execute a bond in a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Pochampalli, Additional District and Sessions Judge, Krishnagiri and Judicial Magistrate, Pochampalli, Krishnagiri District respectively and on further condition that the petitioners shall appear before the said Courts on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-
20/01/2020

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 ADDITIONAL DISTRICT AND
SESSIONS JUDGE, KRISHNAGIRI,
KRISHNAGIRI DISTRICT

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, POCHAMPALLI

3 THE JUDICIAL MAGISTRATE,
POCHAMPALLI, KRISHNAGIRI DISTRICT

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



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

7 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
VELLORE

+1 C.C. to M/S.V.RAJAMOHAN Advocate on payment of necessary
charges SR.NO. 890

+1 C.C. to M/S.AL.GANTHIMATHI Advocate on payment of necessary
charges SR.NO. 1077

+1 C.C. to M/S.K.THILAGESWARAN Advocate on payment of necessary
charges SR.NO. 968

Order

in

CRL MPS.14511,15235 & 16268/2019

in CRL.A.NOS.688,734 & 762 OF 2019

Date :20/01/2020

From 7.2.2001 the Registry is issuing certified
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RD 21/01/2020