



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

Thursday, the Fifth day of March Two Thousand Twenty

WEB COPY

PRESENT

The Hon`ble Mr Justice N. KIRUBAKARAN

and

The Hon`ble Mrs Justice R. HEMALATHA

CRIMINAL MISCELLANEOUS PETITION No.16970 of 2019

IN CRL.A.No.789 of 2019

MATHI @ VALARMATHI

[PETITIONER/APELLANT]

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
TOWN POLICE STATION, KARAİKAL,
PUDHUCHERRY. (CRIME NO.107 OF 2015).

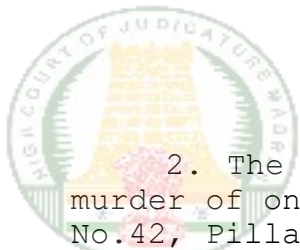
[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.No.789 OF 2019 on the file of the High Court, the High Court will be pleased to Suspend the sentence imposed on the Petitioner herein by the Learned District and Sessions Judge, Karaikal in S.C.No.07 of 2018 dated 06.11.2019 and enlarge the Petitioner on bail pending disposal of the above CRL.A.No.789/2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.No.789 OF 2019 on the file of the High Court and upon hearing the arguments of M/S. GREETHA SENTHILKUMAR, Advocate for the petitioner and of M/S BHARATHA CHAKRAVARTHY, PUBLIC PROSECUTOR (PUDUCHERRY) on behalf of the Respondent the court made the following order:-

(Order of the Court was made by R.HEMALATHA, J.)

The appellant was convicted by the learned District and Sessions Judge, Karaikal in SC.No.7 of 2018 for the offences punishable under Sections 382 and 302 IPC and was sentenced to undergo life imprisonment for the offence punishable under Section 302 IPC and to pay a fine of Rs.10,000/- and in default to pay the fine amount, to undergo simple imprisonment for 1 year. The accused was further sentenced to undergo 7 years rigorous imprisonment and to pay a fine of Rs.10,000/- and in default to pay the fine amount, to under simple imprisonment for one year for the offence punishable under Section 382 IPC. Aggrieved over the conviction and sentence passed by the learned District and Sessions Judge, Karaikal, the accused had filed the appeal in CA.No.789 of 2019 before this Court. Along with the appeal, she has also filed the present Miscellaneous Application praying for suspension of sentence.



2. The brief facts of the case are that the appellant committed murder of one Kathammal aged 75 years, wife of Packirisamy residing at No.42, Pillaiyar Koil Street, Karaikalmedu, Karaikal by smothering her mouth and nose by her hands and also committed theft of two number of gold chains and one set of ear stud weighing in all five and half sovereigns of gold. According to the prosecution, the accused had caused disappearance of evidence of murder by scattering cigarette buds at the scene of occurrence and hung the dead body of the victim in the ceiling of her house.

3. Mrs.Geetha Senthilkumar, learned counsel appearing for the accused contended that the version of the prosecution that the accused had lifted the victim's corpse and made it hung from the ceiling to make it appear as suicide is unbelievable and far from truth. She further contended that the corpse weighs more than the weight of a living person and in the instant case, the accused herself being a lady could not have lifted the corpse.

4. Per contra, Mr.Bharatha Chakravarthy, learned Public Prosecutor (Puducherry) contended that there are circumstances against the accused unimpeachably pointing out the guilt of the accused and that the learned District and Sessions Judge, Karaikal had rightly convicted and sentenced the accused. He has also filed his written submissions.

5. With the iota of doubt raised by the learned counsel appearing for the accused on the version of the prosecution that the accused lifted the corpse of the deceased and made it hung from the ceiling of the house of the deceased, this Court is of the view that there are arguable points in the main appeal. Furthermore, it is also contended by the learned counsel appearing for the accused that the accused has an unmarried daughter without any support. Considering the same, the sentence imposed by the learned District and Sessions Judge, Karaikal is suspended on the following grounds:

(i) The accused shall execute a bond for a sum of Rs.10,000/- before the learned District and Sessions Judge, Karaikal.

(ii) The accused must also appear before the learned District and Sessions Judge, Karaikal on the first day of every month and sign until further orders.

-sd/-

05/03/2020

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 DISTRICT AND SESSIONS
JUDGE, KARAIKAL.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUDUCHERRY

3 THE PUBLIC PROSECUTOR
PUDUCHERRY

4 THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
KARAIKAL, PUDHUCHERRY.

C.C. to M/S. GREETHA SENTHILKUMAR Advocate on payment of
necessary charges SR.NO.4413

Order

in
CRL MP.16970/2019

IN CRL.A.No.789 of 2019

Date :05/03/2020

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

RVR 05/03/2020