



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twentieth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH
and
The Hon`ble Mr Justice B.PUGALENDHI

Crl.M.P. (MD) Nos.2048 & 2051 of 2020
in
Crl.A. (MD) Nos.113 & 114 of 2020

VALLI

... PETITIONER/ APPELLANT
IN Crl.M.P. (MD) No.2048 of 2020
in Crl.A. (MD) No.113 of 2020

POOVALINGAM

... PETITIONER/ APPELLANT
IN Crl.M.P. (MD) No.2051 of 2020
in Crl.A. (MD) No.114 of 2020

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.455 OF 2012)

... RESPONDENT/ RESPONDENT
IN BOTH THE PETITIONS

PRAYER Crl.M.P. (MD) No.2048 of 2020 in Crl.A. (MD) No.113 of 2020:

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner/appellant in S.C.No.14 of 2015 dated 28.01.2020 on the file of the learned Principal Sessions Judge, Sivagangai and enlarge her on bail pending disposal of the instant CRL.A(MD) No.113 of 2020.

Prayer in CRL MP(MD) . 2051/ 2020 in Crl.A. (MD) No.114 of 2020

to suspend the sentence imposed on the petitioner/appellant in S.C.No.14 of 2015 dated 28.01.2020 on the file of the learned Principal Sessions Judge, Sivagangai and enlarge him on bail pending disposal of the instant CRL.A(MD) No.114 of 2020.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.K.SAMIDURAI, Advocate for the petitioner in both the petitions and of Mr.R.ANANDHARAJ, Additional Public Prosecutor on behalf of

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the Respondent in both the petitions, the court made the following order:-

(Order of this Court was made by **P.N.PRAKASH, J**)

It is the case of the prosecution that the family of the deceased and the family of the accused were neighbors and the Hen of the accused went missing, on account of which, a quarrel ensued between the accused couple and the deceased and her husband [PW1], in which, it is alleged that Poovalingam [A1] assaulted the wife of PW1 with a stone, resulting in her death.

2. The trial Court has found Poovalingam [A1] guilty of the offence under Section 302 IPC and sentenced him to life imprisonment but found Valli [A2] guilty of the offence under Section 324 IPC and sentenced her to undergo rigorous imprisonment for three years. The trial Court has also suspended the sentence *qua* Valli [A2] under Section 389(3) Cr.P.C. Hence, separate appeals have been filed by Poovalingam and Valli. Pending appeals, they have filed the present Miscellaneous petitions seeking suspension of substantive sentence of imprisonment.

3. In view of the fact that the trial Court itself has suspended the sentence of Valli [A2] under Section 389(3) Cr.P.C and also taking into consideration the nature of the allegations against her, this Court is of the view that she will be entitled to the relief as prayed for.

4. Coming to the case of Poovalingam [A1], this Court, from the evidence of PW1, *prima facie*, finds that an altercation ensued between both sides in connection with the missing of the hen of the accused, in which, the women folks abused each other and in a fret of anger, Poovalingam appears to have assaulted the deceased with a stone. *Prima facie*, there is no material to infer that it was a premeditated act. Poovalingam is in custody since his conviction on 28.01.2020. Taking into consideration the facts of the case, this Court is of the view that Poovalingam [A1] will also be entitled to the relief as prayed for.

5. In the result, these petitions are allowed and the substantive sentence of imprisonment imposed on the petitioners alone is suspended, subject to the following conditions:

(i) Since Valli [A2] is already on bail, she is directed to surrender before the trial Court within a period of two weeks from the date of receipt of a copy of this order and execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Sivagangai.



(ii) Poovalingam [A1] is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Sivagangai.

(iii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass book to ensure their identity.

(iv) The petitioners shall appear before the learned learned Principal Sessions Judge, Sivagangai, at 10.30 a.m., on the first working day of every English Calendar month until disposal of the appeals.

(v) On any particular date, if the petitioners are not able to appear, leave is granted to the petitioners to file an application under Section 317 Cr.P.C. and appear before the trial Court on any other day, as determined by the trial Court, in lieu of the day on which they would absent.

sd/-
20/03/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE PRINCIPAL SESSIONS JUDGE,
SIVAGANGAI.
2. THE INSPECTOR OF POLICE
MANAMADURAI POLICE STATION,
SIVAGANGAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+2. C.C. to M/S.K.SAMIDURAI Advocate SR.Nos.5573 & 5574

ORDER IN
Crl.M.P. (MD) Nos.2048 & 2051 of 2020
in
Crl.A. (MD) Nos.113 & 114 of 2020
Date :20/03/2020

MS/VR/SAR-3/20.03.2020/3P.7C