



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

Wednesday, the Eleventh day of November Two Thousand and Twenty

PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM
and
The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.3603 of 2020

IN

CRL A(MD) No.229 of 2020

KARUPPAIAH

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
TIRUVENGDM POLICE STATION,
TENKASI DISTRICT.

... RESPONDENT/PETITIONER

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence of imprisonment imposed by the Honourable IV Additional Sessions Judge, Tirunelveli in S.C.No.244 of 2018 by the judgment dated 03/11/2018 and enlarge the petitioner/accused on bail, pending disposal of the above said Criminal Appeal.

PRAYER IN CRL A(MD) No.229 of 2020:

Pleased to call for records relating to the judgment passed by the Hon'ble IV Additional Sessions Judge, Tirunelveli dated 03.11.2018 in S.C.No.244 of 2018 in Crime No.163 of 2017 and to set aside the same.

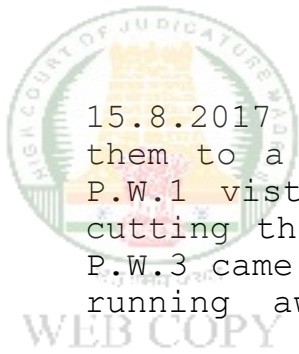
Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.G.THIRUVARUTSELVAN, Advocate for the petitioner and of Mr.K.K.RAMAKRISHNAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

[Order of the Court was made by K.KALYANASUNDARAM, J.]

The sole accused in Sessions Case No.244 of 2018, on the file of the IV Additional Sessions Judge, Tirunelveli has preferred this appeal aggrieved over the conviction and sentence of imprisonment of life by the learned Judge for the charge under Section 302 of IPC.

2.The brief facts of the case are that the deceased is the wife of the Petitioner. It is the case of prosecution that on

<https://hcservices.ecourts.gov.in/hcservices/>



15.8.2017 at 1.00 p.m. P.W.1/son of the accused and deceased took them to a hospital for treatment. Thereafter, at 1.30 p.m., when P.W.1 visited the house of the parents, he found the accused was cutting the throat of his wife. When P.W.1 raised alarm, P.W.2 and P.W.3 came to the scene of occurrence and they found the accused was running away from the place carrying with him M.O.1-knife.

3. In order to prove the case of the prosecution, 14 witnesses were examined and 15 documents were marked. M.O.1 to M.O.7 were also produced. On the side of the accused, no witness was examined, but two documents were marked. The trial Court, after analyzing the evidence adduced by the prosecution, held that the accused had committed the crime and convicted the accused as stated above.

4. The learned counsel for the Petitioner would argue that P.W.1 would not have seen the occurrence and P.W.2 and P.W.3 have been planted to falsely implicate the accused in this case.. It is also submitted that the prosecution has failed to prove the charge and hence he is entitled to the suspension of sentence during the pendency of the appeal.

5. Per contra, Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor appearing for the respondent would vehemently oppose the Petition by contending that the evidence of P.W.1 is natural and credible and there is no reason to disbelieve the evidence of P.W.1, who has witnessed the occurrence. It is also stated that after the occurrence, the accused took to his heels and the same was seen by P.W.2 and P.W.3. It is the submission of the learned counsel for the Petitioner that through the prosecution evidence, the charge against the accused has been proved beyond reasonable doubt.

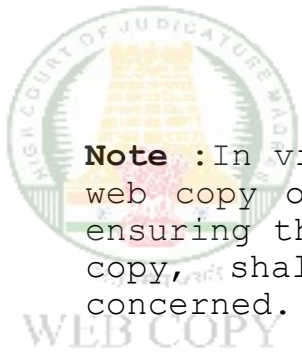
6. In the matter on hand, admittedly, the deceased is the wife of the petitioner. P.W.1 has spoken about the incident and the evidence of P.W.1 has been corroborated by the evidence of P.W.2 and P.W.3. P.W.7-Doctor who conducted autopsy on the dead body of the deceased found the throat of the deceased was almost cut. The medical evidence also supports the case of the prosecution. So we are of the opinion that the Petitioner is not entitled for suspension of sentence as sought for.

7. In fine, this Criminal Miscellaneous Petition is dismissed. However, Registry is directed to post the matter for final disposal in the second week of January 2021.

sd/-
11/11/2020

/ TRUE COPY /

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

1. THE IV ADDITIONAL SESSIONS JUDGE,
TIRUNELVELI.
2. THE INSPECTOR OF POLICE,
TIRUVENGDAM POLICE STATION,
TENKASI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP (MD) No.3603 of 2020
IN
CRL A (MD) No.229 of 2020
Date : 11/11/2020

VSN
TK/VR/SAR.4/26.11.2020/3P/5C