



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

Friday, the Twenty Fourth day of July Two Thousand Twenty

PRESENT

The Hon'ble Mrs.Justice R.THARANI

CRL MP(MD) No.3710 of 2020 IN
CRL A(MD) No.232 of 2020

MURUGAN

... APPELLANT/SOLE ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT.
CR.No.245 OF 2014

... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence passed by the learned Mahila Court (Fast Track Court) Thoothukudi in Special S.C.No.140 of 2018, dated 04.02.2020 against the Accused, pending disposal of the Criminal Appeal.

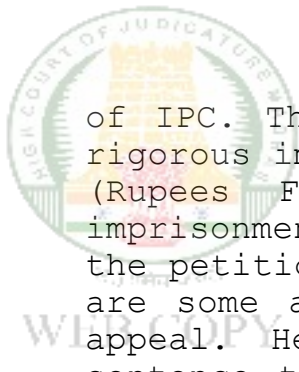
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.MUTHUMALAIRAJA, Advocate for the petitioner and of Mr.K.DINESH BABU, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Mahila Court (Fast Track Court), Thoothukudi in Spl. C.C.No.140 of 2018 dated 04.02.2020, till the disposal of the appeal.

2.On the side of the petitioner, it is stated that the petitioner was convicted under Section 306 of IPC and he is in custody for the past 4 ½ months. There are much more grounds for the petitioner to succeed in the appeal and he prayed for suspension of sentence till the disposal of the appeal.

3.The learned Additional Public Prosecutor has no serious objection in allowing the petition.

4.It is seen that the wife of the petitioner committed suicide and the case was registered against the petitioner under Section 306



of IPC. The petitioner was convicted and was sentenced to undergo rigorous imprisonment for ten years and to pay a fine of Rs.5,000/- (Rupees Five Thousand only) in default to undergo rigorous imprisonment for six months. He has already paid the fine amount and the petitioner is in custody for 4 ½ months. It is stated that there are some arguable points for the petitioner to be decided in the appeal. Hence, this Court is inclined to grant suspension of sentence till the disposal of the appeal, on his executing a bond for a sum of 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 Mahila Court (Fast Track Court), Thoothukudi and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(ii) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

5. Post the main criminal appeal **for hearing on 12.08.2020.**

sd/-

24/07/2020

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

TO

1. THE JUDGE, MAHILA COURT (FAST TRACK COURT),
THOOTHUKUDI.
2. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
3. THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL MP(MD) No.3710 of 2020 IN

CRL A(MD) No.232 of 2020

Date :24/07/2020

MRN

TE/PN/SAR-II : 24/07/2020 : 2P/5C

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