



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

Friday, the Sixteenth day of October Two Thousand and Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.4871 of 2020

IN

CRL A(MD) No.298 of 2020

S.SAMARASAM

... APPELLANT/ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ARANTHANGI TALUK,
PUDUKOTTAI DISTRICT.
CRIME No.374 OF 2015

... RESPONDENT/COMPLAINANT

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 imposed on the petitioner dated 20.08.2019, in S.C.No.93 of 2016 on the file of the Sessions Judge Mahila Court, Pudukottai and release him on bail, pending disposal of the Criminal Appeal.

Prayer in CRL A(MD) No.298 of 2020:

To set aside the convicted and sentence imposed against the accused under section 304 part ii IPC passed in S.C.No.93 of 2016 on 20.08.2019 on the file of the Court of the Sessions Judge Mahila Court, Pudukottai and allow this appeal.

Order : This petition coming on for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.JEYARAMAN, Advocate for the petitioner and of Mrs.S.BHARATHI, Government Advocate on behalf of the Respondent, the Court made the following order:-

This petition has been filed to suspend the sentence passed by the learned Sessions Judge, Mahila Court, Pudukottai District, in S.C.No.93 of 2016, dated 20.08.2019 and to enlarge the petitioner on bail, pending the disposal of the Criminal Appeal.

2.The case against the petitioner is that due to previous motive, on 09.09.2015, at about 11.00 p.m, the petitioner abused

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



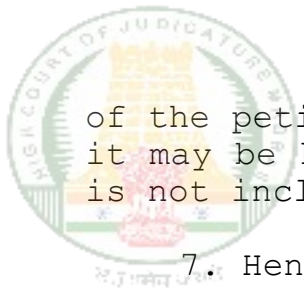
the deceased with obscene words and assaulted the deceased with stick on her head. After the stick was broken, the petitioner took an oven blower and assaulted the deceased on her head. Due to shock and haemorrhage, the deceased died on the spot. The petitioner threatened witnesses No.1, who is the sister of the petitioner and the other witnesses with dire consequences. A case was registered against the petitioner in Crime No.374 of 2015, under Sections 294(b), 302 and 506(ii) IPC. and the same was taken on file as S.C.No.93 of 2016 by the Mahila Court, Pudukkottai. After trial, the petitioner found the petitioner guilty under Section 302 @ 304 (ii) IPC and he was sentenced to undergo ten years rigorous imprisonment. Against the said conviction and sentence, the petitioner filed an appeal in Crl.A.(MD)No.298 of 2020. Along with the appeal, the petitioner preferred the present application for suspension of sentence.

3.On the side of the petitioner, it is stated that there are contradictions in the evidence of P.W.1 to P.W.3. P.W.1 has deposed that there is an incident, wherein, one Natarajan, who is the brother-in-law of the petitioner, attacked the petitioner and he undertook treatment for 15 days. There is a previous enmity between the petitioner and P.W.1 regarding the proposal of marriage of the brother of the petitioner. There is contradictions regarding the seizure of M.O.2. Only two wooden pieces were available in the occurrence spot. As per the observation mahazar, the intention for commission of the murder is not proved by the prosecution. It is stated that the complaint itself is doubtful. There is some enmity between one Natarajan and the petitioner and he is the person who induced a case to be registered against the petitioner and there are much more points for arguments in the main appeal and prayed the sentence to be suspended till the disposal of the appeal.

4.On the side of the respondent, it is stated that the petitioner attacked his own mother brutally and caused her death. P.W.1 is the own sister of the petitioner, who is an eye-witness. The prosecution has examined 13 witnesses [P.W.1 to P.W.13] and marked 15 documents [Ex.P1 to P15] and 11 material objects [M.O1 to M.O11]. The *post mortem* certificate of the deceased was marked as Ex.P7. Inquest report was marked as Ex.P14. Admitted portion of confession statement was marked as Ex.P4. P.W.1 to P.W.3 were eye-witnesses, who support the case of the prosecution. Previous enmity and motive was already proved by the prosecution. The prosecution proved the case beyond on all reasonable doubts and prayed the petition to be dismissed.

5.Heard the learned counsel on either side and perused the materials available on record.

6. It is seen that the offence against the petitioner is grave in nature. It is stated that the petitioner has brutally murdered
<https://hservices.courts.madras.gov.in/hservices/> There is a motive between P.W.1, who is the sister



of the petitioner and the petitioner. If the sentence is suspended, it may be harmful to P.W.1. In the above circumstances, this Court is not inclined to allow the petition at the present stage.

7. Hence, this petition is dismissed.

WEB COPY

sd/-
16/10/2020

/ 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 SESSIONS JUDGE
MAHILA COURT, PUDUKOTTAI.
- 2.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 3.THE INSPECTOR OF POLICE,
ARANTHANGI TALUK, PUDUKOTTAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.4871 of 2020
IN
CRL A(MD) No.298 of 2020
Date :16/10/2020

Ls
AE/AKM/SAR-IV (03.11.2020) 3P 5C