

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Ninth day of January Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

and

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL MISCELLANEOUS PETITION NO.13009 OF 2019

IN CRL.A.NO.598 OF 2019

VEDIYAPPAN

[PETITIONER / APPELLANT / SOLE ACCUSED]

Vs

STATE BY

[RESPONDENT / COMPLAINANT]

INSPECTOR OF POLICE,
B-14 POLICE STATION,
KUNIAMUTHUR, COIMBATORE.
CRIME NO.312 OF 2012.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.598 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in the Judgment dated 28.03.2019 made in S.C.No.63/2013 on the file of the Hon'ble Additional District and Sessions Judge No.IV, Coimbatore and release the petitioner on bail pending CRL.A.NO.598 OF 2019 [IN CRL.MP.NO.13009 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.598 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.B.MOHAN, Advocate for the petitioner and of MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

(Order of the Court was made by V.SIVAGNANAM,J)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment dated 28.03.2019 in S.C.No.63 of 2013 on the file of the Additional District and Sessions Court No.IV, Coimbatore and to enlarge the petitioner on bail pending disposal of this criminal appeal.

2. It is the case of the prosecution that the petitioner in an inebriated state quarrelled with his wife Mayil when she questioned him as to why he has frequently getting drunk. Thereafter, it is alleged that the petitioner poured kerosene on Mayil and set her on fire.

3. The FIR in this case has been registered based on the statement given by Mayil herself, which is treated as a dying declaration. That apart, it is seen that Selvakumar (PW13), Judicial Magistrate No.V, Coimbatore, has recorded the dying declaration of Mayil, which has been marked as Ex-P18, wherein, she has stated that it was the petitioner, who had doused her in kerosene and set her on fire.

4. Considering the serious nature of allegations in this case, this is not a fit case to grant suspension of sentence and bail.

In fine, this criminal miscellaneous petition is dismissed. The Registry is directed to call for the records, prepare the typed set of papers and post the appeal in the usual course.

-sd/-
29/01/2021

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 ADDITIONAL DISTRICT AND SESSIONS JUDGE NO.IV,
COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
B-14 POLICE STATION,
KUNIAMUTHUR, COIMBATORE.

COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

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

C.C. to M/S.B.MOHAN Advocate on payment of necessary charges

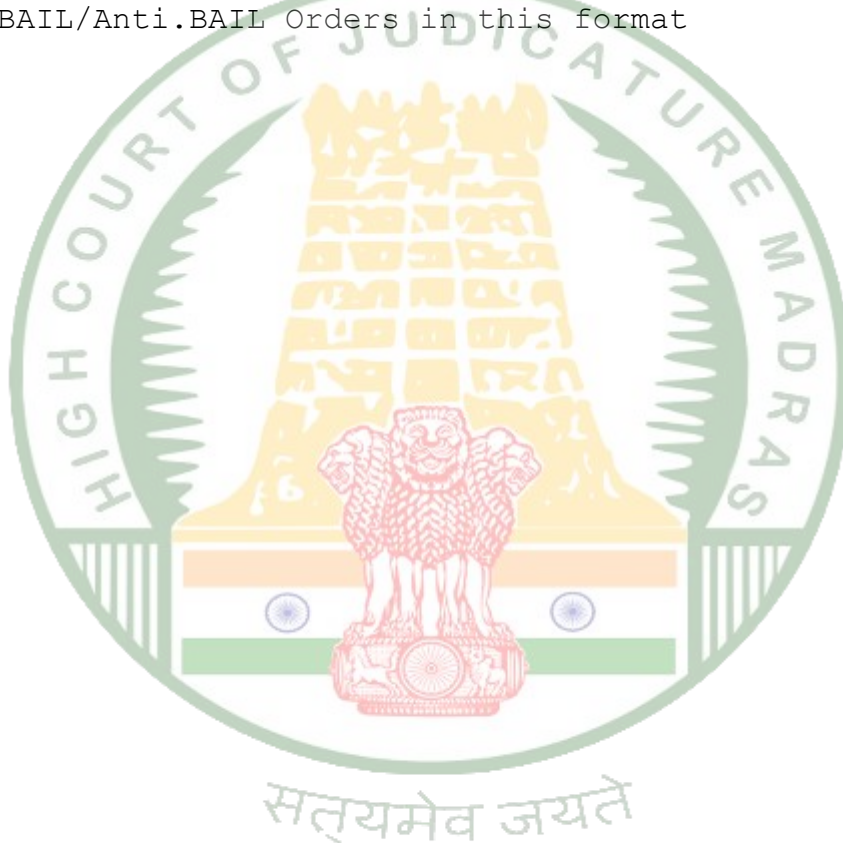
Order

in
CRL.MP.NO.13009/2019
in
CRL.A.NO.598/2019

Date :29/01/2021

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

MK:05/02/2021



WEB COPY