



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

Wednesday, the Third day of February Two Thousand and Twenty One

PRESENT

**The Hon`ble Mrs.Justice R.THARANI**

CRL MP(MD) No.7353 of 2020

IN

CRL A(MD) No.372 of 2020

T.VETRIVEL

... APPELLANT/ACCUSED

Vs

THE STATE REP.BY  
THE INSPECTOR OF POLICE,  
SWAMIMALAI POLICE STATION,  
SWAMIMALAI, THANJAVUR DISTRICT.  
CRIME NO.221/2017.

... 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 execution of sentence passed in S.C.No. 247/2018 on the file of the Honourable Mahila Judge (Fast Track) Thanjavur dated 26.11.2019, and be released on bail on his own bond pending disposal of the instant Criminal Appeal.

**PRAYER IN CRL A(MD) No.372 of 2020:**

Pleased to call for the judgment in S.C.No.247 of 2018 on the file of the Hon'ble Mahila Court (Fast Track) Judge, Thanjavur dated 26.11.2019 and set aside the same and acquit the accused from the charge framed against him.

**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.S.SANKAR, Advocate for the Appellant and of Mr.BHARATHI KANNAN, Government Advocate on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the execution of sentence imposed against the petitioner passed in S.C.No.247 of 2018 on the file of the Mahila Judge (Fast Track Court), Thanjavur, dated 26.11.2019.

2. The allegation against the petitioner is that he inflicted burn injuries to the victim. A case was registered against the petitioner in Crime No.1221 of 2017 by the respondent police under Section 307 I.P.C and the case was taken on file as S.C.No.247 of 2018 on the file of the Mahila Court, Thanjavur and the Mahila Court (Fast Track Court), Thanjavur found the petitioner guilty under Section 307 I.P.C. and sentenced him to undergo five years rigorous



imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo a further period of one year simple imprisonment. Against the said conviction and sentence the petitioner preferred an appeal in CrI.A.(MD)No.372 of 2020. Along with the the appeal, the petitioner has filed this petition for suspension of sentence.

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3.On the side of the petitioner, it is stated that the burn injuries are all simple in nature and they are not grievous injuries. There is no possibility of death due to the simple injuries. The ingredients of the offence under Section 307 I.P.C are not made out, but, the trial Court failed to consider the same. The calculation of percentage of the injury by P.W.7 (Doctor) is wrong. Most of the witnesses are close relative of the defacto complainant. The place of occurrence is the house of the accused and the time of occurrence is 10.00 p.m, which shows the real aggressor is P.W.1 and her party. They tried to attack the accused and the trial Court failed to consider that the theory of private defense. The independent witness P.W.3 and P.W.4 did not support the case of the prosecution and they turned hostile. The alleged injuries would have been possible in a kitchen accident and prayed the sentence to be suspended.

4.On the side of the prosecution, it is stated that the accused is the brother-in-law of the defacto complainant. The accused is residing in the adjoining house of the defacto complainant's daughter. The prosecution has examined nine witnesses and marked eight documents and one material object. Accident Register of the victim was marked as Ex.P4. The confession statement of the accused was marked as Ex.P2. The evidence of P.W.1 corroborated the evidences of P.Ws.2, 5, 6 and 7. The prosecution has proved the case beyond all reasonable doubts and prayed the petition to be dismissed.

5.It is seen that the judgment was passed by the trial Court on 26.11.2019. The offence is serious in nature. Considering the date of judgment and considering the nature of the offence, this Court is not inclined to suspend the sentence, at the present stage. Hence, this Petition is dismissed.

sd/-  
03/02/2021

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/ /2021  
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



TO

1. THE MAHILA JUDGE,  
(FAST TRACK COURT) THANJAVUR.

2. THE INSPECTOR OF POLICE,  
SWAMIMALAI POLICE STATION,  
SWAMIMALAI, THANJAVUR DISTRICT.

3. THE SUPERINTENDENT,  
CENTRAL PRISON, TRICHY.

4. THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

**COPY TO:**

THE SECTION OFFICER, CRIMINAL SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL MP(MD) No.7353 of 2020  
IN  
CRL A(MD) No.372 of 2020  
Date : 03/02/2021

LS  
TK/VR/SAR.4/09.02.2021/3P/6C