



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

Thursday, the Twenty Fifth day of November Two Thousand and
Twenty One

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.6093 of 2021
in
Crl.A.(MD)No.376 of 2020

CHITRA

... PETITIONER/ APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
UDAIYALIPATTI POLICE STATION,
PUDUKKOTTAI DISTRICT.
(CRIME NO.71 OF 2016)

... RESPONDENT/ RESPONDENT

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 and conviction made in S.C.No.38 of 2017 on the file of the principal District and sessions Judge, Pudukkottai dated 12.02.2020 Pending disposal of the instant criminal appeal.

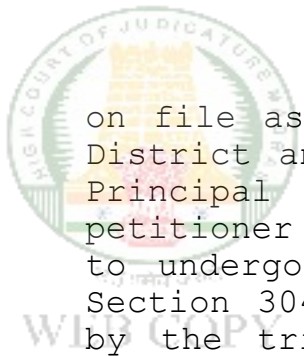
PRAYER IN Crl.A.(MD)No.376 of 2020:

To call for the judgment passed by the Principal District and Sessions Judge, Pudukkottai in S.C.No.38 of 2017 dated 12.02.2020 and 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.N.ANANDAKUMAR, Advocate for the petitioner and of MR.R.M.ANBUNITHI, 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 Principal District and Sessions Judge, Pudukkottai in S.C.No.38 of 2017 dated 12.02.2020, till the disposal of the appeal.

2.The case against the petitioner is that on 22.08.2016, at about 04.30 a.m., when the deceased in a drunken mood tried to attack the petitioner with an aruval, the petitioner caught hold of the aruval and attacked the deceased and committed a murder. A case was filed against the petitioner in Crime No.71 of 2016 under Section 302 of IPC. The chargesheet was filed and the same was taken



on file as S.C.No.38 of 2017 on the file of the learned Principal District and Sessions Judge, Pudukkottai. After trial, the learned Principal District and Sessions Judge, Pudukkottai found the petitioner guilty and he convicted the petitioner and sentenced him to undergo ten years rigorous imprisonment for the offence under Section 304(2) of IPC. Against the conviction and sentence imposed by the trial Court, the petitioner has filed a Criminal Appeal before this Court in CrI.A.(MD)No.376 of 2021 and along with the appeal, they filed this petition for suspension of sentence.

3.On the side of the petitioner, it is stated that the husband used to quarrel with the petitioner suspecting her fidelity. On the date of occurrence, it was the husband, who attempted to attack the petitioner. Even as per the case of the prosecution, only for self defence, the petitioner has attacked the husband. Even the eye witness did not support the case of the prosecution. The petitioner is entitled for general exemption. The petitioner is in custody for the past two years and prayed the sentence to be suspended till the disposal of the appeal.

4.On the side of the prosecution, it is stated that the petitioner and her husband were married for 20 years and they got five children. The petitioner murdered her own husband. The prosecution has examined 18 witnesses and marked 14 documents and six material objects and proved the case beyond all reasonable doubts. If the sentenced imposed on the petitioner is suspended, there is possibility of the petitioner to escape the clutches of law and prayed the petition to be dismissed.

5.It is seen that the petitioner is in custody for the past two years and there are substantial points in the memorandum of appeal, which require a detailed consideration by this Court and the Criminal Appeal is not likely to be taken up for final hearing in the near future. Hence, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

6.Accordingly, the substantive sentence of imprisonment alone is suspended till the disposal of the appeal and the petitioner is ordered to be released on bail on the following conditions:

(i)the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Pudukkottai ;

(ii)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity

<https://hcservices.ecourts.gov.in/fcsetvices> ensure their identity ;



(iii) the petitioner shall appear before the Trial Court on the first working day of every month until further orders ;

sd/-
25/11/2021

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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 concerned.

TO

1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
PUDUKKOTTAI.

2 THE INSPECTOR OF POLICE
UDAIYALIPATTI POLICE STATION,
PUDUKKOTTAI DISTRICT.

3 THE OFFICER INCHARGE,
WOMEN SPECIAL PRISON, TIRUCHIRAPALLI.

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

+1. C.C. to M/S.N.ANANDAKUMAR, Advocate SR.No.8520

ORDER

IN

CRL MP(MD) No.6093 of 2021
& CrI.A.(MD)No.376 of 2020
Date :25/11/2021

Mrn

MS/VR/SAR-1/26.11.2021/3P.6C