



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

Wednesday, the Twenty Ninth day of September Two Thousand and
Twenty One

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL MP(MD) No.7138 of 2021
in
Crl.A.(MD) No.11 of 2017

ESWARI

... PETITIONER/ PETITIONER/
APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KARAIKUDI SOUTH POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.13 OF 2005)

... RESPONDENT/ RESPONDENT/
RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to relax the condition imposed on the petitioner in Crl.MP(MD).No.3004 of 2017 dated on 01.06.2017 in Crl.A(MD).No.11 of 2017 on the file of this Honourable Court and thus render justice.

PRAYER IN Crl.A. (MD) No.11 of 2017:

To call for the records in S.C.No.7 of 2014 dated 09.01.2017 on the file of the learned District Fast Track Mahila Court, Sivagangai 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.T.KUMAR, Advocate for the petitioner and of Mr.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The present application has been filed praying to relax the condition imposed on the petitioner in Crl.M.P(MD) No.3004 of 2017, dated 01.06.2017 in Crl.A(MD) No. 11 of 2017.

2. Heard the rival submissions made by the counsels on both side. I have also perused the records carefully.



3. The petitioner is the appellant in Crl.A(MD) No.11 of 2017. The said appeal has been preferred against the judgment rendered in S.C.No.7 of 2014, dated 09.01.2017 by the learned District Fast Track Mahila Court, Sivagangai, wherein, the petitioner was convicted under Section 498(A) of IPC and sentenced to undergo Rigorous Imprisonment for two years and to pay a fine of Rs.1,000/-, in default, to undergo Rigorous Imprisonment for three months and he was further convicted under Section 306 of IPC and sentenced to undergo Rigorous Imprisonment for 5 years and to pay a fine of Rs.5,000/-, in default, to undergo 6 months Rigorous Imprisonment. Challenging the said conviction and sentence, the petitioner herein, filed a Criminal Appeal and the same is kept pending for disposal.

4. In the said circumstances, while at the time of suspending the sentence, this Court, by considering the facts and circumstances of the case, by order dated 01.06.2017, directed the petitioner to appear before the trial Court on the first working day of every month at 10.30 a.m., until further orders.

5. Now, the petitioner has filed this application for relaxing the aforesaid condition imposed on her. Considering the fact that this petitioner is convicted under Section 306 of IPC, such type of condition imposed by this Court is not an onerous condition. Therefore, considering nature of the offence committed by the petitioner, this Court is not inclined to relax the condition.

6. Accordingly, this petition is dismissed.

sd/-

29/09/2021

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

TO

- 1 THE JUDGE,
DISTRICT FAST TRACK MAHILA COURT, SIVAGANGAI.
- 2 THE INSPECTOR OF POLICE,
KARAIKUDI SOUTH POLICE STATION, SIVAGANGAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL MP(MD) No.7138 of 2021
IN Crl.A.(MD) No.11 of 2017
Date :29/09/2021

am/csm

<https://hdcvcservices.org/CaseDetails.aspx?CaseNo=2021/2P.4C>