



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

Wednesday, the Twentieth day of January Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM
and
The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.7694 of 2020
IN
CRL A(MD) No.379 of 2020

MUTHURAJ

... PETITIONER/APPELLANT/
SOLE ACCUSED

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
SEETHAPARPANALLUR POLICE STATION,
TENKASI DISTRICT.
(CRIME NO.91/2016)

... RESPONDENT/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 to imposed by the Additional District and Sessions Judge (Fast Track Court), Tenkasi in S.C.No.41/2018 dated 20.02.2020 pending disposal of this Criminal Appeal and release the Petitioner / Appellant on bail.

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.R.SUBRAMANIAN, Advocate for the petitioner and of MR.R.ANANTHARAJ, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the Court made the following order:-

[Order of the Court was made by K.KALYANASUNDARAM, J.]

The sole accused in S.C.No.41 of 2018, on the file of the Additional District and Sessions Court (Fast Track Court), Tenkasi, was tried for the commission of punishable under Section 302 I.P.C.

2. The Trial Court, on appreciation of the evidence adduced by the parties, found the accused guilty and sentenced him to undergo life imprisonment with a fine of Rs.2,000/-. Challenging the conviction and sentence, the accused preferred the above appeal and pending appeal, he seeks suspension of sentence.



3.The case of the prosecution is that the petitioner / accused is the husband of the deceased Jamuna @ Kanchana. He is a drunkard and also not going for any work. He used to quarrel frequently with his wife / deceased. The further case of the prosecution is that on 09.09.2016 at 05.00 a.m., when the deceased was preparing food in the Kitchen for her minor children, who are P.Ws.1 to 3, the petitioner demanded money for consuming alcohol and when the deceased was not in a position to meet out the said demand, he attacked the deceased and caused her death. The incident was witnessed by P.Ws.1 to 3.

4.Mr.T.R.Subramanian, learned counsel appearing for the petitioner, would argue that the petitioner did not have any motive to cause death of his wife and the eyewitnesses cited by the prosecution are all minor children and no weightage can be given to their testimony. According to the learned counsel, the prosecution has not proved the case beyond all reasonable doubts.

5.Per contra, Mr.R.Anandharaj, learned Additional Public Prosecutor appearing for the State, vehemently opposed the petition contending that the petitioner has brutally murdered his wife and the head of the victim was severed in the assault by the accused. The incident has been categorically proved by the prosecution through the eyewitnesses, namely, P.Ws.1 to 3. It is the submission of the learned Additional Public Prosecutor that the Trial Court has rightly convicted the petitioner and no interference in this case is necessary.

6.We have carefully considered the rival submissions and perused the materials available on record.

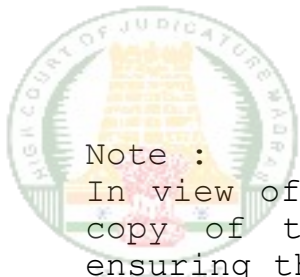
7.In this case, the prosecution has examined P.Ws.1 to 3 as eyewitnesses to the occurrence. Perusal of the records show that they have categorically deposed about the incident and they are natural and trustworthy witnesses. No valid reason has been shown by the petitioner to discard the evidence of the eyewitnesses. Therefore, we are of the opinion that the petitioner is not entitled for suspension of sentence.

8.Accordingly, the criminal miscellaneous petition is dismissed.

sd/-
20/01/2021

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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 ADDITIONAL DISTRICT AND SESSIONS JUDGE,
FAST TRACK COURT, TENKASI

2.THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI

3.THE INSPECTOR OF POLICE,
SEETHAPARPANALLUR POLICE STATION,
TENKASI DISTRICT.

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

+1. C.C. to MR.T.R.SUBRAMANIAN Advocate SR.No.405

ORDER

IN

CRL MP(MD) No.7694 of 2020

IN

CRL A(MD) No.379 of 2020

Date :20/01/2021

KRK

PK/KV/SAR-III/25.01.2021 : 3P/6C