



Crl.M.P.No.6955 of 2022 in Crl.A.No.525 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.6955 of 2022

in

Crl.A.No.525 of 2022

R.Raji

... Petitioner

Versus

The State Rep. by
The Inspector of Police,
T.13, Kunrathur Police Station,
Kunrathur, Chennai 600 069.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of the Code of Criminal Procedure to grant an order of suspension of sentence passed on 25.04.2022 in S.C.No.33 of 2012 on the file of learned Session Judge, Mahila Court at Chengalpattu, enlarge the petitioner on bail till the disposal of the appeal.

For Petitioner : Mr.D.Vijayan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner by judgment, dated 25.04.2022, in S.C.No.33 of 2012, on the file of the Session Judge, Mahila Court, Chengalpattu, pending disposal of the above appeal.



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2.The learned counsel for the petitioner submits that the allegations in this case is that the petitioner being the husband, enraged by the filthy language used by the deceased wife, kicked on her chest, on account of which, unfortunately, the wife succumbed due to injuries. He would submit that the petitioner is in prison from 25.04.2022. He would further bring to the notice of this Court that it was a domestic quarrel between the husband and wife on the ground that the wife has been consistently insisting to set up a separate residence. Therefore, he prays for suspension of sentence for the petitioner.

3.Per contra the learned Government Advocate (Crl.Side) would submit that this is a case where the petitioner husband brutally kicked the victim and she succumbed due to the injuries and considering the fact that it was a domestic quarrel, even though the petitioner was charged for the offences under Section 302 IPC, the Trial Court had found him guilty only for the offences under Section 304 (1) IPC.

4.I have considered the rival submissions made on either side and perused the material records in this case.



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5.Considering the fact that the background of the occurrence being a domestic quarrel and the socio economic background of the parties, considering the allegations of the petitioner that he kicked the victim on the chest, the age of the petitioner accused being 23 years at the time of occurrence and now 30 years, considering the fact that the petitioner is in prison from 25.04.2022, the fact that it may take a while for this Court to take up this appeal for final hearing, I am of the view that the petitioner is entitled for suspension of sentence pending the above appeal. Therefore, I am inclined to suspend the sentence and grant bail to the petitioner on the following conditions:-

(a) the petitioner is ordered to be released on bail, on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Trial Court;

(b) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar Cards or Bank Pass books to ensure their identities;

(c) the petitioner shall appear before the Trial Court on the first working day of every English Calendar Month at 10.30 A.M until the



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disposal of the Criminal Appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C., and shall appear before the Trial Court on any other day in *lieu* of the date of his absence, as directed by the Trial Court.

6. This Criminal Miscellaneous Petition is ordered accordingly.

25.08.2022

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Index : Yes/No

Internet: Yes/No

Speaking order/Non-speaking order



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To

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- 1.The Inspector of Police,
T.13, Kunrathur Police Station,
Kunrathur, Chennai 600 069.
- 2.The Public Prosecutor, High Court of Madras.
- 3.The Superintendent, Central Jail,
Puzhal, Chennai.
- 4.The Session Judge,
Mahila Court at Chengalpattu.



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D.BHARATHA CHAKRAVARTHY. J.,

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