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Crl.M.P.No.7803 of 2022
in Crl.A.No.51 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2022

CORAM

The Honourable Mr. Justice **S.VAIDYANATHAN**
and
The Honourable Mr. Justice **A.D.JAGADISH CHANDIRA**

Crl.M.P.No.7803 of 2022
in Crl.A.No.51 of 2022

Ravi .. Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Thiruchengode Rural Police Station,
Namakkal District.
(Crime No.8/2015)

.. Respondent/Complainant

Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioner by judgment dated 27.09.2021 passed in S.C.No.28 of 2016 on the file of the Sessions Court, (Fast Track Mahila Court), Namakkal and to enlarge the petitioner on bail pending disposal of the above appeal.

For petitioner : Mr.G.R.Hari

For Respondent : Mr.M.Babu Muthumeeran
Additional Public Prosecutor



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ORDER

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This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment dated 27.09.2021 passed in S.C.No.28 of 2016 on the file of the Sessions Court, (Fast Track Mahila Court), Namakkal and to enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner, who was an accused in S.C.No.28 of 2016 before the Sessions Court, (Fast Track Mahila Court), Namakkal, was convicted and sentenced as follows on 27.09.2021:

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1	Section 341 IPC	One month simple imprisonment.
2	Section 302 IPC	Life imprisonment and fine of Rs.10,000/-, in default to undergo six months simple imprisonment.
The aforesaid sentences were ordered to run concurrently.		

3. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.51 of 2022 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.G.R.Hari, learned counsel for the petitioner and



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Mr.M.Babu Muthumeeran, learned Additional Public Prosecutor appearing
for the respondent/State.

5. The case of the prosecution is that the informant Muthusamy is father of the deceased Latha and the petitioner is her husband. The petitioner fell in love with the deceased Latha and got married to her about 19 years prior to the occurrence and through the wedlock, they begot a son and daughter. The petitioner is a drunkard and did not go for any work and Latha was working in Women Self Help Group. About two years prior to the incident, the petitioner had stolen the fund related to Women Self Help Group, due to which, a quarrel ensued between the petitioner and Latha. Therefore, Latha left the petitioner and went to her parents house. It is the further case of the prosecution that suspecting the fidelity of Latha, the petitioner tortured her by saying that he will do away with her. While that being so, on 06.01.2015 around 9.30 p.m., the petitioner has waylaid Latha and assaulted her with a wooden log on the backside of her head, which resulted in her death.

6. After completing the investigation, the respondent/police has filed a final report against the petitioner for the offences under Sections 341 and 302 IPC.



7. The trial Court, after considering the evidence on record and hearing either side, found “guilty” and convicted and sentenced the petitioner as above.

8. The learned counsel for the petitioner would submit that the petitioner is the husband of the deceased Latha and as per the prosecution, the alleged incident is said to have witnessed by Marimuthu (P.W.5) and Venkatachalam (P.W.6), however, taking into consideration the entire materials on record, it is seen that Marimuthu (P.W.5) and Venkatachalam (P.W.6) could not have been witnessed the occurrence. He would further submit that as per the prosecution, the petitioner is said to have inflicted a single blow on the head of Latha, whereas, the medical evidence is totally contrary to the same. It is his further submission that as per the evidence of Dr.Prathap (P.W.9), who has admitted Latha in the hospital, has stated that she was conscious and he has also given an opinion that there is a likelihood that Latha could have sustained those injuries in a road accident. Further, the father of Latha had given a complaint, in which, he has informed that Latha was totally unconscious. He would further submit that there is also a grave delay in registration of the FIR and the trial Court without taking into consideration the major contradictions had erred in convicting the petitioner.

It is his further submission that the petitioner has raised valid grounds in the



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appeal and prayed for suspension of sentence and bail to the petitioner.

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9. The learned Additional Public Prosecutor would submit that the petitioner is the husband of Latha and suspecting the fidelity of Latha, the petitioner had quarrel with her. He would further submit that since the petitioner had stolen the money from Women Self Help Group of Latha, a quarrel ensued between them, due to which, Latha left the petitioner and went to her natal home. He would further submit that on the fateful day, the petitioner is said to have waylaid Latha and indiscriminately assaulted her and caused her death. It is his further submission that the prosecution has proved the case beyond any reasonable doubt by examining sixteen witnesses and marking twenty two exhibits and seven material objects. Hence, he opposed the grant of suspension of sentence and bail to the petitioner.

11. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration since 27.09.2021. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.



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and the sentence of imprisonment is suspended and bail is granted to the petitioner on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/- with two sureties, each for a like sum to the satisfaction of the Sessions Court (Fast Track Mahila Court), Namakkal;
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;
- (iii) The petitioner shall appear before the trial Court on every Monday at 10.30 a.m. (in case, if Monday is holiday, he shall appear on the next working day) until the disposal of the 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 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;
- (iv) Independent of Section 317 Cr.P.C., in case of any emergency due to treatment, hospitalization, sudden death of his relatives, etc., the petitioner shall also intimate the jurisdictional police about the details of place of visit, name of the contact person with Aadhar card or any other photo identity of that person along with reasons therefor and the number of days of absence in the locality, before leaving



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Tamil Nadu;

- (v) The petitioner shall furnish his mobile number, which shall not be changed till the issue comes to a logical conclusion and permanent residential address to the police and the trial Court. The petitioner is permitted to change the portability and not the mobile number; and
- (vi) The petitioner shall not enter into the jurisdictional limits of the respondent/police station.

(S.V.N., J.) (A.D.J.C., J.)
01.08.2022

nsd

To

- 1.The Sessions Judge,
(Fast Track Mahila Court),
Namakkal.
- 2.The Inspector of Police,
Thiruchengode Rural Police Station,
Namakkal District.
- 3.The Superintendent of Prison,
Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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