



Crl.M.P.No.11489 of 2022 in Crl.A.No.839 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09..09..2022

PRONOUNCED ON : 01..12..2022

CORAM

THE HONOURABLE MR. JUSTICE **P.N.PRAKASH**
AND
THE HONOURABLE MR. JUSTICE **RMT.TEEKAA RAMAN**

Crl.M.P.No.11489 of 2022
in
Crl.A.No.839 of 2022

Chinnaponnu,
W/o Chandiran

... Petitioner / Sole Accused

-Versus-

The State represented by
The Inspector of Police,
Pallipalayam Police Station,
Pallipalayam, Namakkal District.
[Crime No.588 of 2017]

... Respondent / Complainant

Criminal Miscellaneous Petition filed under Sections 389 (1) and 439 of Cr.P.C. to suspend the sentence imposed on the petitioner by judgement and order dated 21.06.2022 passed in S.C.No.121 of 2018 on the file of the learned Sessions Judge, Fast Track Mahila Court, Namakkal and to enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.B.Mohan

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



ORDER

P.N.PRAKASH, J.

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This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgement and order dated 21.06.2022 passed in S.C.No.121 of 2018 on the file of the learned Sessions Judge, Fast Track Mahila Court, Namakkal and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who was the sole accused in S.C.No.121 of 2018 on the file of the learned Sessions Judge, Fast Track Mahila Court, Namakkal was convicted for offence u/s 294(b) and 302 of IPC and sentenced to undergo simple imprisonment for three months and to pay a fine of Rs.500/- in default of payment of fine to undergo simple imprisonment for a further period of one month for offence under Section 294(b) of IPC and sentenced to undergo Imprisonment for Life and to pay a fine of Rs.5,000/- in default of payment of fine to undergo simple imprisonment for a further period of six months for offence under Section 302 of IPC.

3. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.839 of 2022 along with the instant criminal miscellaneous



petition seeking suspension of sentence and bail.

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4. Heard Mr.B.Mohan, learned counsel for the petitioner and Mr.M.Babu Muthumeeran, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that the grand son of the deceased, who was playing along with the other children on 14.09.2017 was slapped by the petitioner. When the deceased and her son (P.W.1) questioned the the petitioner, the petitioner is said to have strangled the deceased with his hands and had caused death.

6. The learned counsel for the petitioner contended that it is the specific case of the prosecution that the petitioner had manually strangled the deceased but, the postmortem certificate shows that the deceased had died of the head injury and, therefore, there is a serious error in the case of the prosecution.

7. The court perused the postmortem certificate and the FIR. Of course, immediately after the incident, the deceased was taken to Government Hospital, Erode, where she was examined by the duty Doctor, who has



recorded that the deceased was strangled by a known person. The incident had taken place on 14.09.2017 and the deceased appears to have died on 20.09.2017.

8. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration since 21.06.2022. Hence, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

9. Accordingly, this criminal miscellaneous petition stands allowed and the relief of suspension of sentence 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, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Sessions (Fast Track Mahila) Judge, Namakkal, Namakkal District;
- (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; and
- (iii) The petitioner shall appear before the trial Court on the first working



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day of every month at 10.30 a.m. until the disposal of the appeal and if she is not able to appear before the trial Court on any day, she 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 her absence, as directed by the trial Court.

[P.N.P., J] [T.K.R., J]
01..12..2022

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To

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



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P.N.PRAKASH, J.
and
RMT.TEEKAA RAMAN, J.

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Order Pronounced on
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