



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

Monday, the Fourteenth day of March Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

and

The Hon`ble Mr.Justice N.SATHISH KUMAR

Crl.M.P(MD)No.1684 of 2022

in

Crl.A(MD)No.239 of 2021

BOSE @ BOSEMANI

... PETITIONER/APPELLANT/
SOLE ACCUSED

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
MATHUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
CR.NO. 7 OF 2015.

... 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 imposed by the Judgment dated 09/12/2020 passed in S.C.No. 30 of 2017 on the file of the Learned Sessions Judge (Mahila court), Pudukkottai and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

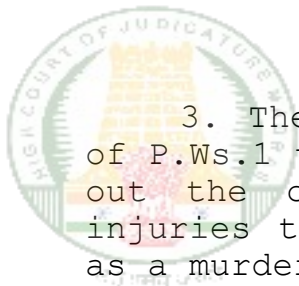
PRAYER IN CRL A(MD) NO.239 OF 2021 :

Pleased to set aside the conviction passed by the Learned Sessions Judge (Mahila Court), Pudukkottai in Special S.C.No.30/2017 dated 09.12.2020 and acquit the Appellant of the charge(s).

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S. SOMASUNDARAM.E, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner seeks suspension of life sentence imposed on him for the offence under Section 302 I.P.C., vide judgment dated 09.12.2020 in S.C.No.30 of 2017 on the file of the learned Sessions Judge (Mahila Court), Pudukkottai.

2. Heard Mr.E.Somasundaram, learned counsel for the petitioner and Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor for the State.



3. The prosecution has heavily relied upon the oral testimony of P.Ws.1 to 4. The learned counsel for the petitioner would point out the contradictions in the evidences as well as nature of injuries to contend that the offence cannot be strictly classified as a murder so as to attract life imprisonment.

4. We do not propose to go into the sufficiency or otherwise of the evidence, which has been accepted by the trial Court as it will have a bearing on the disposal of the appeal.

5. Considering the fact that the petitioner was on bail during trial and he has also been serving the sentence for one year and three months and it may take some time to hear the appeal, we deem it fit to suspend the sentence. Accordingly, the criminal miscellaneous petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended, subject to the following conditions:

i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge (Mahila Court), Pudukkottai.

ii. The petitioner shall appear before the learned Sessions Judge (Mahila Court), Pudukkottai, at 10.30 a.m. on every Monday till the disposal of the appeal.

sd/-

14/03/2022

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

TO

1. THE SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI.
2. THE INSPECTOR OF POLICE,
MATHUR POLICE STATION, PUDUKKOTTAI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.E.SOMASUNDARAM, Advocate (SR-1985[I] dated 14/03/2022)

ORDER IN

Cr1.M.P(MD)No.1684 of 2022
in

Cr1.A(MD)No.239 of 2021

Date :14/03/2022