



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

Wednesday, the Thirtieth 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 MP(MD) No.3473 of 2022
in
CRL.A(MD)No.214 of 2022

PANDI

... PETITIONER/APPELLANT

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
MARANERI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.101/2015).

... RESPONDENT/RESPONDENT

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 of Imprisonment imposed by the learned Fast Track Mahila Court, Virudhunagar at Srivilliputhur in SC No.36/2016 by the Judgement dated 26/02/2021 and enlarge the Petitioner / Appellant on bail pending disposal of the above said Crl.Appeal.

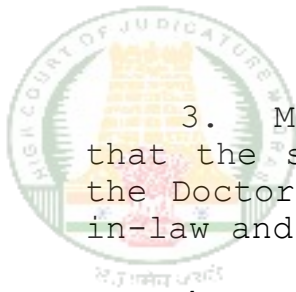
PRAYER IN CRL.A(MD) No.214 of 2022 :

Pleased to call for the records and to set aside the Judgment and Conviction 26.02.2021 by the learned Fast Track Mahila Court, Virudhunagar District at Srivilliputtur in S.C.No.36 of 2016 and acquit the Appellant.

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.RAMESH RAJA P T, Advocate for the petitioner and of MR.S.RAVI, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner seeks suspension of life sentence imposed upon him in S.C.No.36 of 2016 on the file of the Fast Track Mahila Court, Virudhunagar District at Srivilliputtur, on 26.02.2021.

2. The petitioner was charged with an offence of murder of his wife. The learned counsel for the petitioner would contend that the deceased herself had given different versions regarding the incident with the Doctor, Police and before the Judicial Magistrate. Drawing our attention to those statements, the learned counsel would contend that the trial Court erred in convicting the petitioner for murder.



3. Mr.Ravi, learned Additional Public Prosecutor would submit that the statements said to have been made by the deceased before the Doctor and the Police, were made in the presence of the mother-in-law and therefore, the will of the deceased was influenced.

4. We do not intend pronouncing upon the veracity of the statements made. If we do so, it may have an effect on the disposal of the appeal. On an overall analysis of the evidence available on record, we find that the petitioner has made out a case for suspension of sentence. The petitioner has been incarcerated for almost a year. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended, the petitioner would be entitled to bail 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 Judicial Magistrate, Sivakasi.

ii. The petitioner shall appear before the Fast Track Mahila Court, Virudhunagar District at Srivilliputtur, on the first and fourth Monday of every English Calendar month at 10.30 a.m., till the disposal of the Criminal Appeal.

sd/-
30/03/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDGE, FAST TRACK MAHILA COURT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
 2. THE JUDICIAL MAGISTRATE, SIVAKASI.
 3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
 4. THE INSPECTOR OF POLICE,
MARANERI POLICE STATION, VIRUDHUNAGAR DISTRICT.
 5. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.P.T.RAMESHRAJA, Advocate (SR-2679[I] dated 30/03/2022)

ORDER IN
CRL MP(MD) No.3473 of 2022 in
CRL.A(MD)No.214 of 2022
Date :30/03/2022