



WEB COPY

CRL MP(MD)



22

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

Tuesday, the Thirtieth day of August Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH
and

The Hon`ble Mrs.Justice R.HEMALATHA

CRL MP(MD) No.4182 of 2022

IN

CRL A(MD) No.255 of 2022

CHINNAPONNU

... PETITIONER/ACCUSED No.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PALAVIDUTHI POLICE STATION,
KARUR DISTRICT.
(CR.NO.127/2018)

... 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 of Imprisonment imposed SC.No.18 of 2019 dt 01.03.2022 on the file of the Honourable Additional District Sessions Judge, Fast Track Mahila Court, Karur District and enlarge the petitioner/appellant herein on bail.

PRAYER IN CRL A(MD) .255 of 2022:

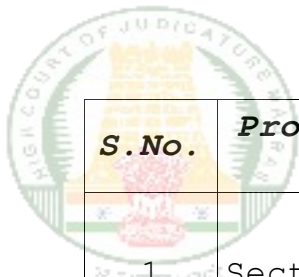
Pleased to call for records and set aside the order of conviction and sentence passed in S.C.No.18 of 2019 dated 01.03.2022 on the file of Hon'ble Additional District Sessions Judge, Fast Track Mahila Court, Karur District and allow this appeal and acquit the appellant.

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.VIJAYARAJA.J, Advocate for the petitioner and of Mr.S.RAVI, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by P.N.PRAKASH,J.)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 01.03.2022 passed in S.C.No.18 of 2019 on the file of the Additional Sessions Judge, Fast Track Mahila Court, Karur District and to enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner, who was one of the accused/A2 in S.C.No.18 of 2019 before the Additional Sessions Judge, Fast Track Mahila Court, was convicted and sentenced as follows on 01.03.2022:



S.No.	Provision under which convicted	Sentence
1	Section 294 (b) IPC	Three months simple imprisonment and fine of Rs.1,000/-, in default to undergo fifteen days simple imprisonment
2	Section 326 IPC	Three years simple imprisonment and fine of Rs.1,000/-, in default to undergo six months simple imprisonment
3	Section 302 r/w 34 IPC	Life imprisonment and fine of Rs.1,000/-, in default to undergo six months simple imprisonment.

3. Challenging the aforesaid conviction and sentence, the petitioner has filed CrI.A.No.255 of 2022 along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.J.Vijayaraja, learned counsel for the petitioner and Mr.S.Ravi, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that the accused are husband and wife (A-1 and A-2). The petitioner herein is the wife of A-1 and that, on account of boundary dispute between her husband (A-1) and his brother (deceased), it is alleged that the petitioner (A-2) along with A-1 had caused injuries to the deceased with a stick on 02.08.2018. However, the deceased succumbed to the injuries on 06.10.2018. On a perusal of the trial Court judgment, we find that the husband of the petitioner/A-1 had also sustained injuries.

6. The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration from 01.03.2022. 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.

7. Accordingly, this criminal miscellaneous petition stands allowed 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, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Additional District Sessions Court, Fast Track Mahila Court, Karur;



(ii) The sureties shall affix their photographs and Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and

(iii) The petitioner shall appear before the trial Court on the first working 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 his absence, as directed by the trial Court.

sd/-

30/08/2022

/ TRUE COPY /

02/09/2022

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

TO

- 1 THE ADDITIONAL SESSIONS JUDGE,
FAST TRACK MAHILA COURT, KARUR DISTRICT.
- 2 THE ADDITIONAL DISTRICT SESSIONS JUDGE,
FAST TRACK MAHILA COURT, KARUR.
- 3 THE OFFICER INCHARGE
SPECIAL PRISON FOR WOMEN, TRICHY DISTRICT.
- 4 THE INSPECTOR OF POLICE
PALAVIDUTHI POLICE STATION, KARUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.VIJAYARAJA.J., Advocate SR.No.41508

ORDER

IN

CRL MP(MD) No.4182 of 2022
IN

CRL A(MD) No.255 of 2022

Date :30/08/2022

RR

SA/SVR/SAR.1/02.09.2022/3P/7C

<https://www.mhc.tn.gov.in/judis>