



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

Monday, the Eighteenth day of April 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.4234 of 2022
in
Crl.A(MD)No.132 of 2022

JULIBHARATH

... PETITIONER/APPELLANT

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
VILATHIKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME.NO. 225/2015.

... 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 sentences imposed by the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi in S.C.No. 221 of 2018, dated 05/10/2021.

Prayer in CRL A(MD). 132/2022 :

Pleased to call for the records and set aside the conviction and sentence passed by the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi in S.C.No.221 of 2018 dated 05.10.2021 and acquit the Appellant from the charge leveled against petitioner.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.GOPALAKRISHNA LAKSHMANA RAJU, Senior Counsel for MR.R.VENKATESHWARAN, 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 on her for the offence under Section 302 I.P.C., vide judgment, dated 05.10.2021 in S.C.No.221 of 2018 on the file of the Sessions Court, Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi.



2. Heard Mr.Gopalakrishna Lakshmana Raju, learned Senior Counsel for Mr.R.Venkateshwaran, learned counsel appearing for the petitioner and Mr.S.Ravi, learned Additional Public Prosecutor appearing for the State.

3.Though the petitioner was charged with an offences under Sections 302, 498(A), 450 and 307 IPC., the Trial Court had acquitted the accused for the other offences and found him guilty of murder under Section 302 IPC.

4.Mr.Gopalakrishna Lakshmana Raju, learned Senior Counsel appearing for the petitioner would take us through the evidence of P.W.3, P.W.4 and P.W.5, on whose evidence the Trial Court relied upon to convict the accused, to contend that the evidence is mere a hear-say and it cannot be held to be a sufficient evidence to base a conviction, that too, for a life sentence.

5.Mr.S.Ravi, learned Additional Public Prosecutor would submit that it is a very brutal murder and the accused had used three different knives to kill his wife. Mere fact that the injuries caused by three different knives and some knives were found on the body of the deceased, cannot by itself form the basis for a conviction.

6.We do not propose to dwell deep into the evidence at this stage, as the same would be affect the disposal of the appeal. On an over-all analysis of the evidence, we are satisfied that the petitioner has made out a case for suspension of sentence and that the petitioner can be released on bail. 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 Judicial Magistrate, Vilathikulam.

ii. The petitioner shall appear before the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi, at 10.30 a.m. on every 1st and 3rd Monday of every month, till the disposal of the Criminal Appeal.

sd/-

18/04/2022

/ TRUE COPY /

18/04/2022

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



TO

1. THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM (FAST TRACK MAHILA COURT),
THOOTHUKUDI.
2. THE JUDICIAL MAGISTRATE,
VILATHIKULAM.
3. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
4. THE INSPECTOR OF POLICE,
VILATHIKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
5. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.ARPUTHARAJ, Advocate (SR-3418[I] dated 18/04/2022)

ORDER

IN

CrI.M.P (MD) No.4234 of 2022
in

CrI.A (MD) No.132 of 2022

Date :18/04/2022

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USK/PN/SAR-II/18.04.2022/3P/8C