



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

Tuesday, the Twelfth day of July Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.7925 of 2022
in
CRL A(MD)No. 413 of 2021

DURAIPANDI

NOW CONFINED AT CENTRAL PRISON,
MADURAI.

... PETITIONER/PETITIONER/PETITIONER

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
B-1, VILLAKKUTHOON POLICE STATION,
MADRUI
CR.NO.846/2010

... RESPONDENT/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 and conviction made in the Judgment in S.C.No 134/2012 on the file of the Sessions Judge Mahalir Neethimandram Madurai dared 21.09.2021 and enlarge us on bail.

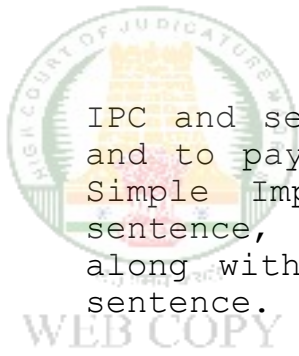
PRAYER IN CRL A(MD)No.413 of 2021:

To call for the Judgment dated 21/09/2021 made in S.C.No. 134 of 2012 on the file of the Sessions Judge, Mahalir Neethimandram, Madurai and set aside the same.

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.N.ANANDAKUMAR, Advocate for the petitioner and of MR.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence passed in S.C.No.134 of 2012, dated 21.09.2021, on the file of the learned Sessions Judge, Mahalir Neethimandram, Madurai, till the disposal of this Criminal Appeal.

2.The learned counsel appearing for the petitioner submitted that the trial Court convicted the petitioner/A1 in S.C.No.134 of 2012, dated 21.09.2021, on the file of the learned Sessions Judge, Mahalir Neethimandram, Madurai, for the offence under Section 306



IPC and sentenced him to undergo seven years Rigorous Imp. and to pay a fine of Rs.10,000/- in default to undergo six months Simple Imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

3.No doubt, the petitioner/A1 along with A2 have filed a petition for suspension of sentence in Crl.M.P.(MD)No.8104 of 2021 and this Court, vide order dated 29.10.2021, has granted suspension of the sentence to the second accused and dismissed the petition sofar the petitioner/A1 is concerned, as withdrawn. Thereafter, the petitioner has filed another petition for suspension of sentence in Crl.M.P.(MD)No.11451 of 2021 and this Court, vide order dated 19.01.2022, dismissed the said petition.

4.The learned counsel for the petitioner further submitted that the deceased gave a dying declaration, wherein, she has only implicated the father-in-law, sister-in-law and not the petitioner. He further submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

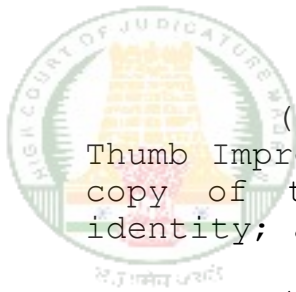
5.The learned Additional Public Prosecutor submitted that P.W.1 and P.W.2 are in-laws of the petitioner and deposed about the torture alleged to have been made by the petitioner on the deceased. He further submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

6.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

7.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

8.Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Madurai.



(ii) The sureties shall affix their photographs at 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 concerned Court on all working days at 10.30 a.m., till the disposal of the appeal.

sd/-
12/07/2022

/ TRUE COPY /

/07/2022

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

TO

- 1 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM,
MADURAI.
- 2 THE JUDICIAL MAGISTRATE NO.I,
MADURAI.
- 3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 4 THE INSPECTOR OF POLICE
B-1, VILLAKKUTHOON POLICE STATION,
MADRUAI.
- 5 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.ANANDAKUMAR, Advocate (SR-6941[I] dated 12/07/2022)

ORDER
IN
CRL MP (MD) No.7925 of 2022
in
CRL A (MD) No. 413 of 2021
Date :12/07/2022

sjj

<https://www.csr.court.gov.in/csr-2/13.07.2022/3P/8C>