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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Thirteenth day of September Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL.M.P.(MD)No.9022 of 2022
in
Crl.A(MD).No.481 of 2022

MUTHURAMALINGAM ... PETITIONER / APPELLANT

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KRISHNAN KOVIL POLICE CIRCLE,
MALLI POLICE STATION,
VIRUDHUNAGAR DISTRICT
(CRIME NO.239 OF 2014) ... 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 passed under the Judgment of Conviction and sentence dated 31/05/2022 in S.C.No. 132 of 2015 on the file of the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District @ Sriviliputhur, convicting the petitioner/appellant for offences under section 294(b) of Indian Penal Code and sentencing him to undergo 3 months rigorous imprisonment, Section 341 of Indian Penal Code and sentencing him to undergo 1 Month simple imprisonment and Section 307 of Indian Penal Code and sentencing him to undergo 3 Months rigorous imprisonment, pending disposal of the above criminal appeal.

Prayer in Crl.A(MD).No.481 of 2022:
To call for the records and set aside the Judgment and conviction and sentence dated 31.05.2022 in S.C.No.132 of 2015 passed by the Learned Session Judge, Fast Track Mahila Court, Virudhunagar @ Srivilliputhur.

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.P.T.RAMESH RAJA, Adovate for MS.SUSI KUMAR.C, Advocate for the petitioner and of MR.S.RAVI, Additional Public Prosecutor on behalf of the Respondent, the court made the following

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This petition has been filed to suspend the sentence imposed by the learned Session Judge, Fast Track, Mahila Court, Virudhunagar District @ Srivilliputhur, in S.T.C.No.132 of 2015, dated 31.05.2022.

2. The defacto complainant/injured, who is the wife of the present petitioner, some sort of matrimonial dispute arose between them, due to which, the defacto complainant went away from the matrimonial house and gave a complaint against the petitioner.

3.The learned counsel for the petitioner submitted that the defacto complainant refused to live with the petitioner, which is the motive to the occurrence said to have happened.

4. The learned Additional Public Prosecutor strongly opposed to grant suspension of sentence, since the defacto complainant was injured and now she is no more.

5. Heard both sides and also perused the materials available on record.

6.On going through the AR Copy, it shows that five cut injuries have been inflicted by the petitioner in various parts of the defacto complainant's body and all are only simple injuries.

7. Considering the above facts and circumstances, the nature of the injury and also the petitioner is in incarceration from the date of judgment i.e., on 31.05.2022, this Court is inclined to suspend the sentence imposed on the petitioner.

8.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Session Judge, Fast Track, Mahila Court, Virudhunagar District @ Srivilliputhur and on further condition that the petitioner shall appear before the said Court once in a week at 10.30 a.m. pending appeal.

sd/-
13/09/2022

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13/09/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE INSPECTOR OF POLICE
KRISHNAN KOVIL POLICE CIRCLE,
MALLI POLICE STATION,
VIRUDHUNAGAR DISTRICT

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL.M.P.(MD)No.9022 of 2022
in
Crl.A(MD).No.481 of 2022
Date :13/09/2022

MK/VRS/SAR.I/13.09.2022/3P/5C

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