



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

Monday, the Twenty First 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.6721 of 2021
IN
CRL A(MD)No.374 of 2021

KARNAN

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
MAMSAPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CR.NO. 304 OF 2019.

... 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 made in SC.No.45 of 2010 dated 20.01.2021 on the file the Fast Track Mahila Court, Virudhunagar District at Srivilliputhur and enlarge him on bail pending disposal of the above said appeal.

PRAYER IN CRL A(MD)No.374/2021:

Pleased to call for the records and set aside the Judgment and sentence passed in S.C.No.45 of 2010 dated 20.01.2021 on the file of the Fast Track Mahila Court, Virudhunagar District at 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 M/S.JEYA KUMARAN.J, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner seeks suspension of sentence for life imprisonment imposed on him in S.C.No.45 of 2010.

2. The petitioner is an accused of having killed his wife by hitting her with a wooden log on the forehead. P.Ws.2 to 4 & 8 were projected as the eye witnesses. Except the evidence of P.W.2, the evidence of the other witnesses is not very inspiring.

3. As regards P.W.2 is concerned, he has deposed before the trial Court that his mother had fallen off from the tarrace of the house under construction. Subsequently, when he was recalled after



about 2 ½ years on 30.09.2020, wherein he had deposed that his father hit his mother with wooden log.

4. Considering the inconsistency in the evidence of P.W.2 and the Accident Register, where, one Arjunan, the brother of the petitioner had informed to the Doctor that the deceased fallen off from the tarrace of the house, we find the accused has made out the prima facie case for suspending the sentence.

5. 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 Fast Track Mahila Court, Virudhunagar District at Srivilliputhur.

ii. The petitioner shall appear before the Fast Track Mahila Court, Virudhunagar District at Srivilliputhur once in 15 days ie., first and third Monday of every month at 10.30 a.m., till the disposal of the Criminal Appeal.

sd/-

21/03/2022

/ TRUE COPY /

23/03/2022

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 SRIVILLIPUTHUR.

2 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
MAMSAPURAM POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1. C.C. to M/S.JEYA KUMARAN.J Advocate SR.No.2271

ORDER IN

CRL MP(MD) No.6721 of 2021 **IN**

CRL A(MD)No.374 of 2021

Date :21/03/2022

SA/VR/SAR.4/23.03.2022/2P/6C

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