



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

Wednesday, the Thirtieth day of November Two Thousand and
Twenty Two

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PRESENT

The Hon`ble Mr.Justice M.S.RAMESH
and
The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL MP(MD) No.9710 of 2022
IN
CRL A(MD) No.506 of 2022

PETCHIAMMAL

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
THENKARAI POLICE STATION,
THENI DISTRICT.
CRIME NO.229 OF 2017.

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the Petitioner on bail by suspended the sentence imposed upon her in SC.No.72 of 2018 on the file of the Additional District Court, Periyakulam, Theni District by judgment dt.20.6.2022 pending disposal of the main Appeal.

PRAYER IN CRL.A(MD) .506/2022:

Pleased to call for the records in S.C.No.72 of 2018 on the file of the Learned Additional District Court, Periyakulam, Theni District and set aside the judgment dated 20.06.2022 and allow this appeal.

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.JOEL PAUL ANTONY A, Advocate for the petitioner and



of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by N.ANAND VENKATESH, J)

This petition has been filed seeking for suspension of sentence imposed by the Court below.

2.Heard Mr.A.Joel Paul Antony, learned counsel appearing for the petitioner and Mr.A.Thiruvadikumar, learned counsel appearing for the respondent.

3.The petitioner was convicted for offence under Section 302 IPC and was sentenced to undergo life imprisonment and to pay a fine of Rs.2,000/- in default to undergo six months simple imprisonment.

4.This petition came up for hearing on 18.11.2022 and this Court passed the following order:

"This is an unfortunate case, where the mother / appellant is said to have attacked the deceased Alaguraja, who is her elder son upon a frivolous incident that took place on 29.03.2017, whereby the said Alaguraja had a quarrel with his brother Sivakumar and he is said to have beaten. When the same was questioned by the appellant, he is said to have beaten with a stick in her head. Immediately, the appellant is said to have attacked the said Alaguraja with sickle and caused cut injuries in his head and face.

2. On hearing the facts of the case, we found that the behaviour of the appellant was not normal and it was very unnatural that the appellant had resorted to such an extreme step for such a frivolous incident that took place on 29.03.2017. On going through the records, we found that mental assessment of the appellant was carried out, even when the trial was pending and discharge summary issued by the Institute of Mental Health at Chennai shows that the appellant was suffering from F20, Schizophrenia.

3. In view of the above, before going into the merits of this case, we want to satisfy ourselves on the mental capacity of the appellant. Hence, there shall be a direction to the Superintendent of Police (Prisons), Madurai Central Prison, to produce the appellant before the Executive Director, M.S.Chellamuthu Trust & Research Foundation, 643, K.K.Nagar, Madurai - 20, Phone : 96299 11348. Dr.C.Ramasubramaniam, is requested to carry out mental assessment of the appellant and he shall also take into consideration the previous records and a report shall be filed before this Court.



4. Post this petition for hearing on 30.11.2022."

5. Pursuant to the above order, the petitioner was subjected to medical examination by the Dr.C.Ramasubramanian, Senior Consultant Psychiatrist, Ahana Hospitals, Gandhi Nagar Branch, Madurai. The doctor has assessed the mental status of the petitioner and while undergoing the said process, the Doctor had also taken into consideration the medical history of the petitioner and the relevant materials that were available. The following report has been given by the Doctor:

"Tmt.Petchiammal Chinnakali was brought to me by Mrs.T.Deepalakshmi, (WHC3968) and Mrs.Deepika(WHC249) on the direction of Madras High Court, to assess her mental health status. Detailed history was taken from her mother Mrs.Chennamal and father Mr.Karrupaiah. Also the clinical evaluation done by me on Petchiammal revealed major psychological disturbance. She is exhibiting hallucinatory experience, suspicious ideas and clinical evaluation revealed that the individual is suffering from split mind type of schizophrenia of 18 years duration. She requires active psychiatric treatment with behaviour therapy."

6. We place on record our appreciation for the assistance rendered by Dr.C.Ramasubramanian, Senior Consultant Psychiatrist.

7. It is clear from the above report that the petitioner is suffering from major psychological disturbance and the same is reflected in the manner in which the incident had taken place. Unfortunately, the Court below did not consider this important fact and proceeded to convict and sentence the petitioner. The mental status of the petitioner at the time of occurrence is a moot point that has to be decided in this criminal appeal. Since a prima facie case has been made out and the petitioner has already suffered incarceration for nearly 5 months and she requires the care of her family members, we are inclined to suspend the sentence imposed against the petitioner by the Court below in S.C.No.72 of 2018, dated 20.06.2022 subject to the following conditions:

- (I) The petitioner shall execute bond for a sum of Rs.10,000/- with two sureties each, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate, Periyakulam.
- (ii) The sureties shall affix their photographs and Left 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



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(iii) The petitioner shall appear before the respondent police on the first working day of every month at 10.30 a.m., for a period of 8 weeks. After completion of the period reporting before the respondent police, the petitioner shall report before the learned Judicial Magistrate, Periyakulam, 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 her absence, as directed by the trial Court.

sd/-

30/11/2022

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01/12/2022

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

TO

- 1 THE ADDITIONAL DISTRICT JUDGE,
PERIYAKULAM, THENI DISTRICT.
- 2 THE JUDICIAL MAGISTRATE, PERIYAKULAM.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 5 THE INSPECTOR OF POLICE
THENKARAI POLICE STATION, THENI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE SUPERINTENDENT OF POLICE (PRISONS),
MADURAI CENTRAL PRISON, MADURAI.

+1. C.C. to M/S.JOEL PAUL ANTONY A Advocate SR.No.14084

ORDER IN

CRL MP(MD) No.9710 of 2022
IN

CRL A(MD) No.506 of 2022

Date :30/11/2022

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SA/SSS/SAR.3/01.12.2022/4P/9C

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