



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

Tuesday, the First day of November Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.10574 of 2022

IN

CRL A(MD) No.543 of 2022

C.SEKAR

... PETITIONER/APPELLANT

Vs

State Rep.by
THE INSPECTOR OF POLICE
KOOMAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.153 OF 2016)

... 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 against the petitioners by the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Sriviliputhur in S.C.No. 209 of 2016, Dated. 18.08.2022 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

Prayer in CRL A(MD)No.543/2022 :

To call for the record and to set aside the judgment and conviction passed by the Learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur in S.C.No.209 of 2016 dated 18.08.2022 and acquit the appellants herein.

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.G.THALAIMUTHARASU, Advocate for the petitioner and of MR.SS.MADHAVAN, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

This petition is filed to suspend the sentence imposed against the petitioner, by Judgment dated 18.08.2022, by the Sessions Judge, Fast Track Mahila Court, Sriviliputhur, Virudhunagar District.

2.The case of prosecution in brief is as follows:

The accused Sekar was married to one Deepa. It was a love marriage. They did not have any children. The deceased, who is the mother of accused, frequently compelled the petitioner/accused to marry another girl, that was not liked by the accused. There was



continuous pressure on the side of his mother, for his marriage. On 23.08.2016, at about 02.00PM, out of anger, the accused person pushed down the deceased and caused assault with brick, on various parts of her body. Because of the above said continuous assault, she sustained injuries and died. Over the above said occurrence, a case was registered and the petitioner was tried for the offence punishable under Section 302 IPC.

3. On the side of prosecution, 16 witnesses have been examined, 13 documents have been marked, apart from 4 material objects. At the conclusion of trial, the prosecution has proved the case beyond all reasonable doubts and accordingly, the accused was found guilty under Section 304(1) IPC, though he was charged under Section 302 IPC, the same was altered and he was convicted and sentenced to undergo 10 years rigorous imprisonment and also to pay a fine of Rs.3,000/-. Challenging the above said conviction and sentence, this appeal has been preferred. During the pendency of appeal, this petition has been filed by the petitioner, for suspension of sentence.

4. The learned counsel for the petitioner would submit that there was no intention to cause murder and because of the continuous pressure made by the deceased, out of anger and by losing his self-control, the petitioner assaulted the deceased.

5. Per contra, the learned Government Advocate (Crl.Side) would submit that on continuous assault, the deceased sustained injuries, on various parts of her body. So whether the petitioner was having knowledge to that the assault, which was intended caused by him was sufficient to cause death in the natural course of events. According to him, there was no intention to cause murder, is a ground to suspend the sentence.

6. No doubt, there was continuous pressure by the deceased to the petitioner to marry another girl. According to the petitioner, it was a sustained provocation. By losing his self-control only, he assaulted the deceased. But repeatedly causing of assault shows the knowledge on the part of petitioner. Moreover, the Judgment is only of recent origin. He can revive the petition, after some time.

7. With the above said liberty, this Criminal Miscellaneous Petition stands dismissed.

sd/-

01/11/2022

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



TO

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

2 THE INSPECTOR OF POLICE, KOOMAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-12382[I] dated
03/11/2022)

ORDER

IN

CRL MP(MD) No.10574 of 2022

IN

CRL A(MD) No.543 of 2022

Date :01/11/2022

PNM

RS/VR/SAR.3(04.11.2022) 3P-6C