



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

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

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CrI.M.P(MD)No.13263 of 2022
in
CrI.A(MD)No.707 of 2022

MANIMARAN

... PETITIONER/APPELLANT/
ACCUSED (SOLE)

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
SOOLAKARAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.182 OF 2018.

... RESPONDENT/RESPONDENT/
COMPLAINANT

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 Suspending the sentence imposed by the Sessions Judge, Fast Track Mahila Court, Srivilliputhur, Virudhunagar District made in SC.No.125 of 2019 on his file dated 18.10.2022 pending the disposal of the main Criminal Appeal.

PRAYER IN CrI.A(MD)No.707 of 2022:

To call for the records in the judgment of the Sessions Judge, Fast Track Mahila Court, Srivilliputhur, Virudhunagar District made in S.C.No.125 of 2019 on petitioner file dated 18.10.2022 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 M/S.RAMASAMY.S, Advocate for the petitioner and of M/S.RMS.SETHURAMAN, Additional Public Prosecutor 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 18.10.2022, by the Sessions Judge, Fast Track Mahila Court, Virudhunagar @ Thiruvilliputhur.



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

There is a property dispute between the accused Manimaran and her mother-in-law. On 21.06.2018, at about 02.00PM, when PW1 was in the house along with her mother-in-law, the accused trespassed into the house, abused in filthy language, stating that her husband is having illicit intimacy, with his wife and because of that he was suffering humiliation in the society. By saying so, he caused assault with aruval, on her left neck and the same was intervened by her mother-in-law and she was also assaulted with aruval. Both of them sustained cut injuries and her modesty was also outraged by the accused and the accused poured kerosene on her mother-in-law. When the neighbours gathered, the accused ran away from that place.

3.Based on the above said occurrence, a case was registered and after investigation, final report was filed. On the side of prosecution, 12 witnesses have been examined, 12 documents have been marked, apart from 7 material objects and on the side of accused, one witness was examined, one document was marked. At the conclusion of trial, the prosecution has proved the case beyond all reasonable doubts and accordingly, the accused was found guilty under Sections 450, 285, 307(2 counts) and he was convicted and sentenced to undergo 10 years rigorous imprisonment and also to pay a fine of Rs.2,000/-, for the offence under Section 450 IPC, to undergo 6 months rigorous imprisonment and also to pay a fine of Rs.500/-, for the offence under Section 285 IPC and to undergo 10 years rigorous imprisonment each and also to pay a fine of Rs.4,000/-, for the offence under Section 307(2 counts) IPC. Challenging the above said conviction and sentence, this appeal has been preferred. Pending appeal, this petition has been filed by the petitioner.

4.The learned counsel for the petitioner would submit that PW1 and PW2 had suffered only simple injuries and due to enmity between PW1 and himself, over some sort of illegal intimacy between her husband and his wife, this false case was registered against the petitioner.

5.Per contra, the learned Additional Public Prosecutor would submit that there is a clear motive for making the above said assault. Even though, the injury was simple in nature, vital portion was assaulted by the accused, to cause murder. Therefore, the finding of trial Court, does not suffer from any illegality. It is a matter for consideration, whether the above said assault was made with an intention to cause murder or not, is a matter for consideration at the time of appeal.

6.Considering the manner in which the above said offence should have been committed and reason for the enmity between parties and PW1 was pregnant at the time of assault and also the Judgment is of recent origin, this petition deserves to be dismissed and the



7. In view of the above, this Criminal Miscellaneous Petition stands dismissed.

sd/-
08/11/2022

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/ TRUE COPY /

/11/2022

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

pnm

TO

1. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
2. THE INSPECTOR OF POLICE
SOOLAKARAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
Crl.M.P(MD)No.13263 of 2022
in
Crl.A(MD)No.707 of 2022
Date :08/11/2022

RK/SSS/SAR-2 (10/11/2022) 3P/4C