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Crl.M.P.No.2910 of 2023 in Crl.A.No.186 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2023

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.2910 of 2023
in Crl.A.No.186 of 2023

Chitra
W/o Sakthi .. Petitioner

-vs-

The Inspector of Police
K.R.B. Dam Police Station
Krishnagiri District
(Crime No.30 of 2018) .. Respondent

Criminal Miscellaneous Petition filed under Section 389(1) of the Code of Criminal Procedure to suspend the sentence imposed in S.C.No.8 of 2019 dated 06.12.2022 by the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri and enlarge the petitioner on bail, pending disposal of the above appeal.

For Petitioner :: Mr.P.Muthamizh Selvakumar

For Respondent :: Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

(Order of the Court was made by SUNDER MOHAN, J.)

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The petitioner, who was tried as Accused No.3 in S.C.No.8 of 2019 on the file of the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri, stands convicted for the offence under Sections 294(b) and 323 of IPC and sentenced to undergo simple imprisonment for 3 months and to pay a fine of Rs.500/-, in default to undergo simple imprisonment for one month for the offence under Section 294(b) of IPC and to undergo simple imprisonment for one year and to pay a fine of Rs.1,000/-, in default to undergo 3 months simple imprisonment for the offence under Section 323 of IPC, which are ordered to run concurrently, vide the judgment dated 06.12.2022 passed by the trial Court. Challenging the said conviction and sentence, the petitioner has filed the above appeal along with A1 & A2, who were convicted and sentenced to undergo imprisonment for the offences as stated therein. The present miscellaneous petition has been filed to suspend the sentence and enlarge the petitioner on bail, pending the above appeal.

2. It is the case of the prosecution that the accused and the de-facto complainant are relatives; that the deceased is the wife of the brother of the first accused; that there were land disputes between the two families and



there were frequent quarrels due to the said dispute; that on 14.02.2018 at about 7.30 p.m., while the deceased was standing in front of his newly constructed house with the de-facto complainant, A1 & A2 abused the deceased in filthy language and then attacked her with wooden logs and that the deceased succumbed to the said injuries. It is also the case of prosecution that A3 (petitioner) had attacked the eye-witness, P.W.2 with a wooden log.

3. The learned counsel for the petitioner submitted that the petitioner is the daughter-in-law of the first accused and the wife of the second accused and she has been falsely implicated only due to the previous enmity between the two families.

4. The learned Additional Public Prosecutor, per contra, submitted that the prosecution has proved its case beyond reasonable doubt and that the trial Court, after scrutinizing the evidence of the prosecution witnesses with supporting documents, has rightly convicted the petitioner for the offence as aforesaid and hence, prayed for dismissal of the petition.

5. We find from the evidence of the witnesses that there is no overtact



attributed to the petitioner as regards the offence of murder. The petitioner is said to have attacked P.W.2, a victim with a wooden log. Considering the overtact attributed against the petitioner, a lady and the fact that false implication of A3 cannot be ruled out in the facts of this case, we are inclined to suspend the sentence.

6. Accordingly, this criminal miscellaneous petition stands allowed and the substantive sentence of imprisonment imposed on the petitioner is suspended and she is granted bail on the following conditions:-

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties, of whom one should be a blood relative, each for a likesum, to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri.
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge may obtain a copy of their Aadhar card or Bank Pass Book and mobile numbers to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court 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



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make arrangements to file an application under Section 317 Cr.P.C.

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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.

(S.S.S.R.,J.) (S.M.,J.)
11.12.2023

SS

To

1. The Sessions Judge, Fast Track Mahila Court, Krishnagiri
2. The Inspector of Police, K.R.B.Dam Police Station, Krishnagiri District
3. The Public Prosecutor, High Court, Madras



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S.S.SUNDAR, J.
AND
SUNDER MOHAN, J.

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