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Crl.M.P.No.7163 of 2023 in Crl.A.No.217 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM

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

Crl.M.P.No.7163 of 2023
in Crl.A.No.217 of 2022

Munirathna
W/o Venkatraj

.. Petitioner

-vs-

State by
Inspector of Police
Mathigiri Police Station
Krishnagiri District
(Crime No.602 of 2013)

.. Respondent

Criminal Miscellaneous Petition filed under Section 389(1) of the Code of Criminal Procedure to suspend the sentence passed in S.C.No.40 of 2021 dated 31.12.2021 by the Sessions Judge, Fast Track Mahila Court, Krishnagiri and enlarge the petitioner on bail, pending disposal of the appeal.

For Petitioner :: Mr.R.Thamarai Selvan

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



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ORDER

(Order of the Court was made by S.S.SUNDAR, J.)

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The petitioner, who is Accused No.1 in S.C.No.40 of 2021 on the file of the learned Sessions Judge, (Fast Track Mahila Court), Krishnagiri, stands convicted for the offence under Section 302 readwith 109 of IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.1000/-, in default to undergo one year rigorous imprisonment, vide judgment dated 31.12.2021 passed by the trial Court. However, pending the appeal, the petitioner has filed the instant miscellaneous petition seeking to suspend the sentence and enlarge her on bail.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and also perused the materials available on record.

3. The case of the prosecution is that the deceased is the mother of the petitioner and that the petitioner wanted to get rid of her mother, the deceased in order to grab her property. It is the further case of the prosecution that the petitioner engaged the services of third accused, who in turn hired Accused Nos.4 to 6 to commit the murder, for consideration of



rupees one lakh. It is admitted that the husband of the petitioner i.e.

Accused No.2 died on 23.06.2019. Accused No.4 is a juvenile, who has been prosecuted separately. The petitioner has been convicted for the offence aforesaid based on the extra-judicial confession given by Accused Nos.4 to 6 before P.W.8-Village Administrative Officer. It is also brought to our notice that this Court has suspended the sentence imposed upon Accused Nos.3, 5 & 6 and enlarged them on bail. Since no specific overtact is attributed against the first accused, this Court finds a prima facie case in favour of the petitioner for suspension of sentence.

4. 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 Judicial Magistrate-II, Hosur.
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate 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



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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.

(S.S.S.R.,J.) (S.M.,J.)
19.10.2023

SS

To

1. The Sessions Judge, (Fast Track Mahila Court), Krishnagiri
2. The Judicial Magistrate-II, Hosur
3. The Inspector of Police, Mathigiri Police Station, Krishnagiri District
4. The Superintendent, Central Prison, Vellore
5. The Public Prosecutor, High Court, Madras



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S.S.SUNDAR, J.

AND

SUNDER MOHAN, J.

SS

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