



WEB COPY



Crl.M.P.No.18871 of 2022
in Crl.A.No.1248 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2023

CORAM :

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND**

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.M.P.No.18871 of 2022
in Crl.A.No.1248 of 2022

Nagendiran

... Petitioner

Vs.

State rep.by:
The Inspector of Police
T6, Avadi Police Station
Chennai.
(Crime No.592/2015)

... Respondent/Respondent
Complainant

Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed in S.C.No.205 of 2016 dated 27.5.2022 on the file of Sessions Judge, Mahalir Needthimandrum, Thiruvellur and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : M/s.T.Gnana Banu

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor



WEB COPY



Crl.M.P.No.18871 of 2022
in Crl.A.No.1248 of 2022

ORDER

(Made by N. ANAND VENKATESH, J.)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 27.5.2022 passed in S.C. No.205 of 2016, on the file of the Court of Sessions Judge, Mahalir Needthimandrum, Thiruvellur and to enlarge the petitioner on bail pending disposal of the appeal.

2.The petitioner was convicted for offence under Section 302 IPC., and was sentenced to undergo life imprisonment and to pay a fine of Rs.5,000/- and in default, to undergo 6 months rigorous imprisonment.

3.The case of the prosecution is that that the Padmavathi is the wife of the petitioner and she developed the illicit relationship with one Saravanan and eloped with him. A police complaint was given and both of them were secured and during enquiry, the deceased stated that she is not willing to live with the petitioner. On 20.07.2015 at about 11.30 a.m., while the deceased was in the house of PW-1, the petitioner came to the house along with his daughter and there



Crl.M.P.No.18871 of 2022
in Crl.A.No.1248 of 2022

was a wordy quarrel. As a consequence, the petitioner is said to have cut the throat of the deceased with a blade and it resulted in the demise of Padmavathi.

4.Heard Mrs.T.Gnana Banu, learned counsel for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing on behalf of the respondent.

5.The learned counsel for the petitioner pointed out various discrepancies in the evidence of PW-1 to PW-5. That apart, it was also brought to our notice that the post mortem doctor, who was examined as PW-11 was not even shown the weapon that was used for committing the murder at the time of examination before the Court.

6.Taking into consideration the facts and circumstances of the case and also of the fact that there are arguable points to be considered in the appeal and it will take some more time to take this Court to hear the criminal appeal finally and that there are no bad antecedents against the petitioner, we are inclined to suspend the sentence imposed by the Court below in S.C.No.205 of 2016 dated 27.05.2022, subject to the following conditions:-



WEB COPY



Crl.M.P.No.18871 of 2022
in Crl.A.No.1248 of 2022

- (i) The petitioner shall deposit the fine amount before the trial Court, if not already deposited.
- (ii) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandrum, Thiruvellur.
- (iii) 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 cards or Bank passbooks to ensure their identity; and
- (iv) The petitioner shall appear before the respondent police every Monday at 10.30 a.m., for a period of eight weeks. After completion of the said period, the petitioner shall report before the learned Sessions Judge, Mahalir Neethimandrum, Thiruvellur, on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he 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 his absence, as directed by the trial Court.

(P.N.P.,J.) (N.A.V.,J.)
04.01.2023

Internet : Yes/No
Index : Yes/No
KP



WEB COPY



Crl.M.P.No.18871 of 2022
in Crl.A.No.1248 of 2022

To

1. Sessions Judge, Mahalir Neethimandrum,
Thiruvellur.
- 2.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
- 3.The Inspector of Police
T6, Avadi Police Station
Chennai.
- 4.The Public Prosecutor
High Court of Madras.



WEB COPY



Crl.M.P.No.18871 of 2022
in Crl.A.No.1248 of 2022

P.N.PRAKASH,J.

and

N. ANAND VENKATESH,J.

kp

Crl.M.P.No.18871 of 2022
in Crl.A.No.1248 of 2022

04.01.2023