



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

Thursday, the Thirteenth day of April Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR
and
The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD) No.180 of 2023
in
CRL A(MD)No.12 of 2023

DEVI

... PETITIONER/APPELLANT

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.
(IN CRIME NO.232/2020).

... RESPONDENT/RESPONDENT

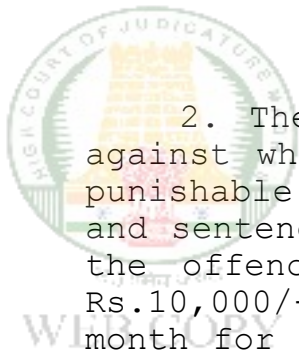
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed in SC.No.32/2021 on the file of the Learned Sessions Judge, Mahila Court, Pudukkottai, dt.20/12/2022 and enlarge the appellant on bail pending disposal of the above said Criminal Appeal.

PRAYER IN CRL A(MD)No. 12 OF 2023:

Pleased to call for the records and set aside the Judgment and Conviction S.C.No.32 of 2021 on the file of the Learned Sessions Judge, Mahila Court, Pudukkottai, dated 20.12.2022, and acquit the Appellant.

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.RAMESHKUMAR D, Advocate for the petitioner and of MR.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the petitioner/second accused to suspend the sentence imposed by the learned Judge, Mahila Court, Pudukkottai, in Sessions Case No.32 of 2021, dated 20.12.2022 and enlarge the petitioner/appellant on bail pending the Criminal Appeal.



2. The petitioner is the second accused in the said and against whom the trial Court has given conviction for the offences punishable under Sections 294(b), 324 r/w 34 and 302 r/w 34 I.P.C., and sentenced her to undergo Rigorous Imprisonment for 3 months for the offence under Section 294(b) I.P.C., and to pay a fine of Rs.10,000/- in default to undergo Rigorous Imprisonment for one month for the offence under Section 294(b) I.P.C., and sentenced to undergo Rigorous Imprisonment for 3 years and to pay a fine of Rs.30,000/- in default to undergo Rigorous Imprisonment for one year for the offence under Section 324 r/w 34 I.P.C. and also sentenced to undergo Life Imprisonment and to pay a fine of Rs.2,00,000/- and in default to undergo Rigorous Imprisonment for one year for the offence under Section 302 r/w 34 I.P.C.

3. Heard Mr.D.Rameshkumar, learned counsel appearing for the petitioner and Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor appearing for the respondent.

4. On the side of the prosecution, P.Ws.1 to 11 were examined and Exs.P.1 to P.15 were marked and also one material object was marked as M.O.1 and on the side of the defence side two witnesses were examined as D.Ws.1 and 2.

5. That there are two accused in this case. First accused is the husband and the second accused is the wife. Insofar as A1, the husband of the petitioner, is concerned, there has been specific overtacts as per the evidence recorded before the trial Court, especially, the evidence of P.W.1, P.W.2 and P.W.4, who are the wife and daughters of the deceased.

6. Even according to their evidence, insofar this petitioner / A2 is concerned, she uttered that, "attack him and kill him", except this evidence, no other evidence with regard to any specific overtact has been recorded from any of the witnesses against the present petitioner i.e., A2.

7. In view of the aforestated, we feel that the petitioner's plea to suspend the sentence can be accepted. Accordingly, this petition is ordered and the imprisonment ordered by the trial Court through the impugned judgment is suspended subject to the following conditions:-

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, each for a like sum to the satisfaction of the learned Judge, Mahila Court, Pudukkottai;



(ii) 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 card or Bank pass Book to ensure their identity; and

(iii) The petitioner shall appear before the learned Judge, Mahila Court, Pudukkottai once in a month, the first such appearance she shall make insofar as April, 2023 is concerned, on 25.04.2023 at 10.30 a.m. and subsequently every month on the first working day of English Calender she shall appear before the said Court at 10.30 a.m. until further orders and if she is not able to appear before the said Court on any day, she shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the said Court on any other day in lieu of the date of her absence, as directed by the said Court.

sd/-
13/04/2023

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13/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJ
TO

- 1 THE SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI.
- 2 THE INSPECTOR OF POLICE
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 3 THE OFFICER INCHARGE
SPECIAL PRISON FOR WOMEN, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.RAMESHKUMAR D, Advocate (SR-5870[I] dated 13/04/2023)

ORDER
IN
CRL MP(MD) No.180 of 2023
in
CRL A(MD)No.12 of 2023
Date :13/04/2023