



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

Tuesday, the Twentieth day of June 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.269 of 2023
in
CRL A(MD) No.15 of 2023

VELLAIAMMAL

... PETITIONER/APPELLANT/SOLE ACCUSED

Vs

State Rep.by
THE INSPECTOR OF POLICE
KEELARAJAKULARAMAN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.286 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 suspend the sentence imposed on the petitioner/Appellant/Sole Accused namely Vellaiammal, W/o.Velmurugan passed by the learned Fast Track Mahilar Court, Virudhunagar District at Srivilliputhur in SC.No.36 of 2019 dated 12.12.2022 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

Prayer in CRL A(MD).15/2023 :

To call for the records of the impugned judgment made in S.C.No.36 of 2019 on the file of the Learned Fast Track Mahila Court, Virudhunagar District at Srivilliputhur dated 12.12.2022 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.JEGADEESH PANDIAN M, 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:-

(Order of the Court was made by R.SURESH KUMAR, J.)

This petition has been filed to suspend the sentence imposed against the petitioner in S.C.No.36 of 2019, dated 12.12.2022 on the file of the Fast Track Mahila Court, Virudhunagar District at Srivilliputhur and release the petitioner on bail till the disposal of the Criminal Appeal.



2. Heard the learned counsel for the petitioner and the Additional Public Prosecutor for the respondent.

3. We have gone through the judgment impugned in the main appeal. There is no eye witness in the case and only there is a circumstantial evidence.

4. Moreover, the prosecution case has been built up mainly based on the alleged confession said to have been given by the accused. Therefore, to what extent that can be taken into account for the purpose of convicting her is a matter to be decided only at the time of final hearing, for which, it will take some reasonable time. Hence, *prima facie* we feel that the sentence can be suspended, accordingly, this Criminal Miscellaneous 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 Fast Track Mahila Court, Virudhunagar District at Srivilliputhur;

(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 Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, once in a month, the first such appearance shall be made insofar as June, 2023 is concerned, on 26.06.2023 at 10.30 a.m. and subsequently, on the first working day of every English Calendar month she shall appear before the learned Magistrate concerned 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/-

20/06/2023

/ TRUE COPY /

21/06/2023

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

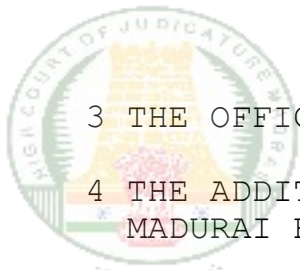
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TO

1 THE JUDGE, FAST TRACK MAHILA COURT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE INSPECTOR OF POLICE, KEELARAJAKULARAMAN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

<https://www.mhcn.org/>



CRL MP(MD)



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3 THE OFFICER INCHARGE, SPECIAL PRISON FOR WOMEN, MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-9188[I] dated
20/06/2023)

ORDER
IN
CRL MP(MD) No.269 of 2023
in
CRL A(MD) No.15 of 2023
Date :20/06/2023

RS/SSS/SAR-(21.06.2023) 3P 6C