



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

Monday, the Tenth 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.4661 of 2023  
in  
CRL A(MD)No. 810 of 2022

LALLENBOI ...PETITIONER/APPELLANT/ACCUSED NO.3  
NOW CONFINED AT CENTRAL PRISON,  
TRICHY DISTRICT.

Vs

THE STATE REP BY,  
THE INSPECTOR OF POLICE  
AVUDAIYARKOVIL POLICE STATION,  
PUDUKKOTTAI DISTRICT.  
CR.NO.110/2019

... 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 by the Learned Mahila Court Pudukkottai in S.C.No.57/2020 dt 05.03.2022 and release the petitioner on bail pending disposal of the above criminal appeal.

PRAYER IN CRL A(MD)No. 810 OF 2022:

Pleased to call for the entire records connected with the proceedings of the Judgment of conviction passed by the Learned Mahila Court, Pudukottai in S.C.NO.57 OF 2020 dated 05.03.2022 and set aside the same and acquit the appellant from all the charges.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.M.P.RONIGA, 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/third accused to suspend the sentence imposed by the learned Judge, Mahila Court, Pudukkottai, in Sessions Case No.57 of 2020, dated 05.03.2022 and enlarge the petitioner/appellant on bail pending the Criminal Appeal.

2. The petitioner is the third accused in the said case and against whom the trial Court has given conviction for the offences under Sections 404, 302 and 201 I.P.C., and punished him



to undergo Rigorous Imprisonment for 3 years and to pay a fine of Rs.25,000/- and in default to undergo Simple Imprisonment for one year for the offence under Section 404 I.P.C., and sentenced him to undergo Life Imprisonment and to pay a fine of Rs.25,000/- and in default to undergo Simple Imprisonment for one year for the offence under Section 302 I.P.C. and sentenced him to undergo Rigorous Imprisonment for 7 years and to pay a fine of Rs.25,000/- and in default to undergo Simple Imprisonment for one year, for the offence under Section 201 I.P.C.

3. On the side of the prosecution, P.Ws.1 to 15 were examined and Exs.P.1 to P.40 were marked and also material objects M.Os.1 to 25 were marked.

4. There are three accused in this case and the petitioner is the third accused / A3. Mainly based on the extra judicial confession given by A2, the prosecution build up the case against the petitioner, who is A3 and accordingly, conviction has come against this petitioner also.

5. Mr.G.Bhagavath Singh, learned counsel appearing for the petitioner pointed out that except this extra-judicial confession made no other evidences are available to the prosecution against the petitioner / A3.

6. Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor appearing for the respondent mainly relied on the extra-judicial confession, which has been relied upon by the learned trial Judge.

7. Insofar as this petitioner is concerned, even according to the extra-judicial confession given by A2, the statement made by him implicates only A1 and A2, insofar the action of killing the deceased is concerned, and also in respect of the jewels taken from the deceased, it seems that, it had been taken only by A1 and A2 and not by A3 i.e., the present petitioner.

8. When that being the circumstances, we prima facie feel that the case of the petitioner i.e., A3 is in better footing when compared with A1 and A2 and moreover this issue can be decided in the main appeal and it will take some time to take up the main criminal appeal for final hearing. Therefore, based on the aforestated prima facie case, we feel that the sentence imposed against the petitioner i.e., A3 can be suspended and the petitioner / A3 can be enlarged on bail for the aforestated reasons.

9. 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 three sureties, out of which two sureties from Tamil Nadu and one surety from Manipur, who is a relative of the petitioner with proper identification, each for a like sum to the satisfaction of the learned Judge, Mahila Court, Pudukottai;

(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 respondent Police once in a week i.e., on every Sunday at 10.30 a.m. until further orders and if he wants to go to his native place i.e., Manipur State or any place outside the State of Tamil Nadu, he should make a prior intimation to the respondent police and after getting the written permission only he shall go out of Tamil Nadu with a condition that he should inform the exact place where he is going to visit with address and phone number and such an outstation stay shall not be for more than two weeks and thereafter, he should return back and continue to report before the respondent police every week as indicated above.

sd/-

10/04/2023

/ TRUE COPY /

13/04/2023

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

SJ

TO

1 THE MAHILA JUDGE, PUDUKOTTAI.

2 THE INSPECTOR OF POLICE  
AVUDAIYARKOVIL POLICE STATION,  
PUDUKKOTTAI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY DISTRICT.

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

+1 CC to M/s. BHAGAVATH SINGH. G, Advocate (SR-5603[I] dated 10/04/2023  
ORDER

IN

CRL MP(MD) No.4661 of 2023  
in

CRL A(MD) No. 810 of 2022  
Date : 10/04/2023

PKP/VR/SAR- /13.04.2023/ 3P/6C

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