



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

Thursday, the Twentieth day of April Two Thousand and Twenty Three
PRESENT

WEB COPY

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

CRL MP(MD) No.6308 of 2023
in
CRL A(MD)No.10 of 2022

NAGESWARI

NOW CONFINED AT CENTRAL JAIL(WOMEN CELL),
MADURAI.

... APPELLANT/ACCUSED No.2

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
K.PUDUR POLICE STATION,
MADURAI DISTRICT.
CRIME NO.60 OF 2018.

... 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 against in SC.No.322 of 2018 dt.7.10.2021 on the file of the Honble IV Additional District Sessions Judge, Madurai and release the Petitioner on bail till the disposal of the appeal.

PRAYER in CRL A(MD)No.10 of 2022:

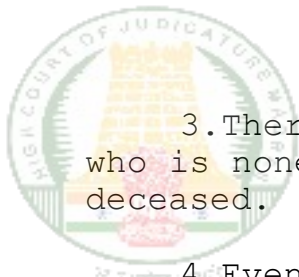
Pleased to call for the records and set aside the judgment and sentence passed in S.C.No.322 of 2018 dated 07.10.2021 passed by the learned IV Additional District and Sessions Judge, Madurai.

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.ALAGUMANI.R, 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.322 of 2018, dated 07.10.2021 on the file of the learned IV Additional District Sessions Judge, Madurai and release the petitioner on bail till the disposal of the Criminal Appeal.

2.Heard Mr.R.Alagumani, learned counsel appearing for the petitioner and Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor appearing for the respondent.



3. There are two accused in this case. The petitioner is A2, who is none other than the wife of A1 as well as the daughter of the deceased.

4. Even according to dying declaration, there has been no specific averment made by the deceased against A2.

5. However, earlier statement said to have been given by the deceased as recorded by the Police had some implications about the role of A2.

6. Though the evidence of P.W.1 supports the case of the prosecution accusing A2 also, P.W.1 is none other than the son of the deceased and it seems that there had been long quarrel between P.W.1 and A2 or A1 with regard to the house property.

7. Since there has been a contradiction in the dying declaration as well as the earlier statement given by the deceased, we feel that this issue can be gone into and decided by this Court at the time of final hearing of the main appeal, for which it will take some more time to take up the main appeal for final hearing. Therefore, in the meanwhile, in view of the aforestated *prima facie* case, we come to the conclusion that the petitioner is deserved to be considered for suspension of sentence and 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 learned Judicial Magistrate No.VI, Madurai;

(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 Judicial Magistrate No.VI, Madurai, once in a month, the first such appearance shall be made insofar as April, 2023 is concerned, on 25.04.2023 at 10.30 a.m. and subsequently, on the first working day of every English Calendar month he shall appear before the learned Judicial Magistrate No.VI, Madurai 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/-

20/04/2023

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/04/2023

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



TO தலைவர் அவர்கள்

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- 1 THE IV ADDITIONAL DISTRICT
SESSIONS JUDGE, MADURAI.
- 2 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 4 THE INSPECTOR OF POLICE
K.PUDUR POLICE STATION, MADURAI DISTRICT.
- 5 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN, MADURAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP (MD) No.6308 of 2023
in

CRL A (MD) No.10 of 2022

Date :20/04/2023

SS/SSS/SAR /20/04/2023/3P/7C