



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

Wednesday, the Fifth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD) No.7322 of 2023

IN

CRL A(MD)No. 378 of 2023

ASANAMMAL ...APPELLANT/SOLE ACCUSED
(NOW CONFINING AS CONVICT PRISONER AT
SPECIAL PRISON FOR WOMEN, MADURAI)

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
KEELPARALACHI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO. 35 OF 2021

... 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 and release the petition on bail pending disposal of this criminal appeal before this Honble court against the Judgment in S.C No. 48 of 2022 by the Honble Fast Track Mahila court, Virudhunagar district @ Srivilliputhur dated 22.02.2023

PRAYER IN CRL A(MD)No. 378 of 2023:

To call for the entire records connected to the judgment in S.C.No. 48 of 2022 by the Hon'ble Fast Track Mahila Court, Virudhunagar District @ Srivilliputhur dated 22.02.2023 and set aside the conviction and sentence imposed against 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.ALAGUMANI.R, Advocate for the petitioner and of Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the Criminal AP. the court made the following order:-

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

2. I have perused the petitioner's affidavit filed in support of the above petition, judgment of the trial Court and the

<https://www.mca.gov.in>



3. The petitioner has been convicted by the learned Trial Judge for the offence under Section 304(i) IPC to undergo 10 years imprisonment and to pay a fine of Rs.2,000/- in default to undergo six months Rigorous imprisonment in S.C.No.48 of 2022 on the file of the Fast Track Mahila Court, Virudhunagar District @ Srivilliputur.

4. The learned counsel appearing for the petitioner submitted that the occurrence took place during the course of heat of arguments between the petitioner as well as the deceased regarding their dispute already existed and also the trial Court considered this aspect and granted the conviction under Section 304(i) IPC, even though charge has been framed under Section 302 IPC. He further submitted that she is in jail for the past two years.

5. The learned counsel appearing for the petitioner has raised substantial points in the memorandum of appeal, which requires a detailed consideration by this Court.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that there are several infirmities in the prosecution case and there are arguable points involved in the appeal and further that the appeal is not likely to be taken up for final hearing in the near future and the prolonged years of incarceration, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the Fast Track Mahila Court, Virudhunagar District @ Srivilliputur, and on further condition that the petitioner shall appear before the said Court on the first working day of every English Calendar month at 10.30 am, pending appeal.

sd/-
05/07/2023

/ TRUE COPY /

12/07/2023

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

TRP
TO
1 THE JUDGE
FAST TRACK MAHILA COURT,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR



- 2 THE INSPECTOR OF POLICE
KEELPARALACHI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 3 THE OFFICER INCHARGE
SPECIAL PRISON FOR WOMEN,
MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE SECTION OFFICER(CALL FOR RECORDS)
CRIMINAL SECTION
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-10283[I] dated 06/07/2023)

ORDER
IN
CRL MP(MD) No.7322 of 2023
IN
CRL A(MD)No. 378 of 2023
Date :05/07/2023

PKP/BUC/SAR- /12.07.2023/ **3P/7C**