



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

Wednesday, the Fourth day of January Two Thousand and Twenty Three

PRESENT

**The Hon`ble Mr.Justice G.ILANGO VAN**

CRL MP(MD) No.85 of 2023

IN

CRL A(MD) No.707 of 2022

MANIMARAN

... PETITIONER/APPELLANT/ACCUSED (SOLE)

Vs

State Rep.by  
THE INSPECTOR OF POLICE  
SOOLAKARAI POLICE STATION,  
VIRUDHUNAGAR DISTRICT.  
(CRIME NO.182/2018)

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner bail by suspending the sentence imposed by the Sessions Judge, Fast Track Mahila Court, Srivilliputhur, Virudhunagar District made in SC.No.125/2019 on his file dt.18/10/2022 pending the disposal of the main Criminal Appeal.

PRAYER IN Crl.A(MD)No.707 of 2022:

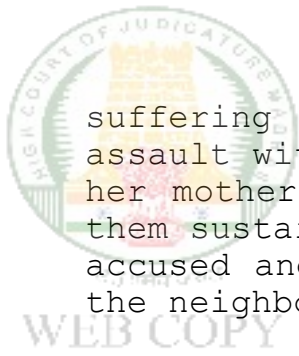
To call for the records in the judgment of the Sessions Judge, Fast Track Mahila Court, Srivilliputhur, Virudhunagar District made in S.C.No.125 of 2019 on petitioner file dated 18.10.2022 and set aside the same.

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.RAMASAMY S, Advocate for the petitioner and of MR.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This petition is filed to suspend the sentence imposed against the petitioner, by Judgment dated 18.10.2022, by the Sessions Judge, Fast Track Mahila Court, Virudhunagar @ Thiruvilliputhur.

2.The case of prosecution in brief is as follows:

There is a property dispute between the accused Manimaran and her mother-in-law. On 21.06.2018, at about 02.00PM, when PW1 was in the house along with her mother-in-law, the accused trespassed into the house, abused in filthy language, stating that her husband is having illicit intimacy, with his wife and because of that he was



suffering humiliation in the society. By saying so, he had assaulted with aruval, on her left neck and the same was intervened by her mother-in-law and she was also assaulted with aruval. Both of them sustained cut injuries and her modesty was also outraged by the accused and the accused poured kerosene on her mother-in-law. When the neighbours gathered, the accused ran away from that place.

3. Based on the above said occurrence, a case was registered and after investigation, final report was filed. On the side of prosecution, 12 witnesses have been examined, 12 documents have been marked, apart from 7 material objects and on the side of accused, one witness was examined, one document was marked. At the conclusion of trial, the prosecution has proved the case beyond all reasonable doubts and accordingly, the accused was found guilty under Sections 450, 285, 307(2 counts) and he was convicted and sentenced to undergo 10 years rigorous imprisonment and also to pay a fine of Rs.2,000/-, for the offence under Section 450 IPC, to undergo 6 months rigorous imprisonment and also to pay a fine of Rs.500/-, for the offence under Section 285 IPC and to undergo 10 years rigorous imprisonment each and also to pay a fine of Rs.4,000/-, for the offence under Section 307(2 counts) IPC. Challenging the above said conviction and sentence, this appeal has been preferred. Pending appeal, this petition has been filed by the petitioner.

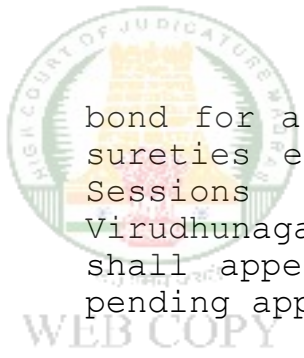
4. The learned counsel for the petitioner would submit that PW1 and PW2 had suffered only simple injuries and due to enmity between PW1 and himself, over some sort of illegal intimacy between her husband and his wife, this false case was registered against the petitioner.

5. Per contra, the learned Additional Public Prosecutor would submit that there is a clear motive for making the above said assault. Even though, the injury was simple in nature, vital portion was assaulted by the accused, to cause murder.

6. This is the second petition for suspending the sentence. The earlier petition filed by the petitioner in Crl.M.P(MD).No.13263 of 2022 in Crl.A(MD).No.707 of 2022 was dismissed on the ground that the petition was filed in the premature stage and it was noted that P.W.1 was pregnant at the time of assault. Now the present petition has been filed after lapse of two months from the dismissal order.

7. Considering the period of incarceration and also the fact that the simple injury caused to the injured, this Court is inclined to suspend the sentence imposed upon the petitioner.

8. Accordingly, the suspension of sentence petition is **allowed** and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be **released** on bail on condition that the petitioner shall execute a



bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to  
sureties each for a like sum to the satisfaction of the learned  
Sessions Judge, Fast Track Mahila Court, Srivilliputhur,  
Virudhunagar District and on further condition that the petitioner  
shall appear before the said Court once in a week at 10.30 a.m.  
pending appeal.

sd/-

04/01/2023

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05/01/2023

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

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TO

- 1 THE SESSIONS JUDGE, FAST TRACK MAHILA COURT, SRIVILLIPUTHUR,  
VIRUDHUNAGAR DISTRICT.
  - 2 THE INSPECTOR OF POLICE, SOOLAKARAI POLICE STATION,  
VIRUDHUNAGAR DISTRICT.
  - 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
  - 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.RAMASAMY S, Advocate ( SR-125[I] dated 04/01/2023 )

ORDER

IN

CRL MP(MD) No.85 of 2023

IN

CRL A(MD) No.707 of 2022

Date :04/01/2023

RS/SSS/SAR.(05.01.2023) 3P-6C