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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.No.20116 of 2023

in

Crl.A.No.1646 of 2023

Kutti @ Kaliappan
S/o.Ayyavu

... Petitioner

-Vs-

The State, Represented by
The Deputy Superintendent of Police,
Velur Police Station,
Namakkal District.
(Crime No.71 of 2016)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389 (1) of the Criminal Procedure Code, 1973, to suspend the sentence imposed by the Magalir Neethimandram (Fast Track Mahila Court), Namakkal vide judgment dated 19.07.2023 in S.C.No.117 of 2017 and enlarge the petitioner on bail pending disposal of the above appeal.

For petitioner : Mr.P.Duraiswamy

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

**ORDER**

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The criminal appeal has been filed as against the judgment and sentence passed by the Magalir Neethimandram (Fast Track Mahila Court), Namakkal, in S.C.No.117 of 2017 dated 19.07.2023 in and by which, the petitioner was convicted for the offence punishable under Section 306 of IPC and sentenced to undergo 7 years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo further period of six months simple imprisonment. Challenging the same, the appellant has filed the above criminal appeal and the present miscellaneous petition seeking suspension of sentence of imprisonment.

2. The learned counsel for the petitioner submitted that through the wedlock, two children were born to the petitioner and the deceased wife and they are under the care and custody of the parents of the deceased wife. The petitioner is ready and willing to pay a sum of Rs.6,000/- to each of the children, totally a sum of Rs.12,000/- per month. The learned counsel further submitted that the deceased committed suicide by self immolation and the petitioner is not a reason for the death of the deceased. Submitting as above, the learned counsel prays for suspension



3. The learned Additional Public Prosecutor for the respondent submitted that the offence alleged as against the petitioner are grave in nature and hence, she strongly objected for suspension of sentence.

4. The learned counsel for the petitioner has raised several arguable grounds insofar the appeal is concerned and it will take some more time for this Court to take up the criminal appeal and to dispose of the same.

5. Considering the facts and circumstances of the case, this Court is of the considered view that the sentence imposed against the petitioner can be suspended and accordingly, the Criminal Miscellaneous Petition is ordered and the punishment of imprisonment imposed as against the petitioner is hereby suspended and he is directed to be released on bail on the following conditions:

a) the petitioner is directed to open a bank account in the name of the each children and deposit a sum of Rs.6,000/-



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per month in the account of the each children on or before 5th of every English succeeding calender month. The proof of the deposit shall be produced before the Court below every month while reporting, otherwise the suspension of sentence granted in favour of the petitioner shall stand cancelled.

b) the petitioner shall execute a bond for a sum of Rs.10,000/- to the satisfaction of the learned Judicial Magistrate, Paramathy, Namakkal District along with two sureties for a like sum;

c) the petitioner shall report before the Court below on the first working day of every month at 10.00 a.m., pending disposal of the appeal.

6. Post the main appeal in the usual course as per the seniority.

20.06.2024

vji

Note: Issue order copy on 20.06.2024

To



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1. The Central Prison,
Coimbatore.
2. The Judicial Magistrate Court,
Paramathy,
Namakkal District.
3. The Deputy Superintendent of Police,
Velur Police Station,
Namakkal District.
4. The Public Prosecutor,
High Court of Madras,
Madras.



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M.DHANDAPANI, J.

vji

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