



Crl.M.P.(MD) No.1247 of 2023

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

Friday, the Fourteenth day of June Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
and
The Hon`ble Mr.Justice K.RAJASEKAR

Crl.M.P.(MD) No.1247 of 2023
in
Crl.A.(MD) No.76 of 2023

1 S.MUNEESWARAN

2 REVATHI

... PETITIONERS/ APPELLANTS/
ACCUSED 1 & 2

Vs

THE INSPECTOR OF POLICE
MALLI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.134 OF 2018.

... RESPONDENT/RESPONDENT/COMPLAINANT

Criminal Miscellaneous 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 on the petitioners/ Appellants/Accused No.1 and 2 namely S.Muneeswaran, S/o Shanmugavel and Revathi, W/o S.Muneeswaran passed by the learned Fast Track Mahila court, Virudhunagar District at Srivilliputhur in S.C.No.17 of 2019 dated 06.08.2022 and enlarge the petitioners on bail, pending disposal of the Criminal Appeal.



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Prayer in Crl.A(MD).76/2023:

Pleaded to call for the records of the impugned judgment made in S.C.No.17 of 2019 on the file of the Learned Fast Track Mahila Court, Virudhunagar District at Srivilliputhur dated 06.08.2022 and set aside the same.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.JEGADEESH PANDIAN.M, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The present petition has been filed by the appellant/accused to suspend the sentence imposed on them passed by the Fast Track Mahila Court, Virudhunagar District at Srivilliputhur in SC.No.17 of 2019.

2. The petitioners stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
342 I.P.C.	To undergo one year Rigorous imprisonment	Rs.500/-, each in default to undergo three months rigorous imprisonment.
302 I.P.C.	To undergo life imprisonment	Rs.3,000/-,each in default to undergo six months rigorous imprisonment
The sentences shall run concurrently		



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3. The appellants/accused are alleged to have murdered their nine years child Sathana, on 01.10.2018 who was a special child suffering from physical and mental impairment.

4. Learned counsel appearing for the petitioners would submit that except P.W.12 and P.W.13, no other witness had supported the case of prosecution. He would further submit that admittedly, the petitioners had been taking care of the special child for nine years from her birth and thereby they would not have committed the murder and if there was any intention to commit murder of their own daughter, they would not have rushed to the hospital taking the child for treatment, which improbabilises the case of the prosecution and the petitioners have a good case warranting interference by this court. He would also submit that the petitioners were on bail during trial and he seeks for indulgence of this court.

5. Learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the evidence of P.W.12 is clinching. He would further submit that as per the evidence of P.W.12, the petitioners, who have taken the daughter to the hospital have confessed about having given cool drinks mixed with poisonous substances, thereby he would vehemently oppose for grant of bail to the petitioner.



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available on record.

6. Heard the learned counsel on either side and perused the materials available on record.

7. As per the petitioners the motive attributed is improbable. The appeal is of the year 2023. Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the period of incarceration and also taking into consideration the facts and circumstances of the case, we are inclined to suspend the sentence imposed on the petitioners by the Trial Court pending the Appeal.

8. Accordingly, the criminal miscellaneous petition is allowed and the substantive sentence of imprisonment imposed on the petitioners herein alone is suspended pending the Appeal, subject to the following conditions:

- i. The petitioners are directed to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only) each with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Srivilliputhur
- ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Committal Court may obtain a copy of their Aadhar card or Bank passbook to ensure their



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identity.

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- iii. The petitioners shall report before the learned Judicial Magistrate No.II, Srivilliputhur on the first working day of every English calendar month at 10.30 am., until further orders.
- iv. It is made clear that the petitioners shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

sd/-
14/06/2024

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19/06/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

1 THE FAST TRACK MAHILA JUDGE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE JUDICIAL MAGISTRATE NO.II,
SRIVILLIPUTHUR.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

5 THE OFFICER INCHARGE
SPECIAL PRISON FOR WOMEN, MADURAI.

<https://www.mhc.tn.gov.in/judis>



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6 THE INSPECTOR OF POLICE
MALLI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-6591[I] dated 18/06/2024)

ORDER IN
Crl.M.P.(MD) No.1247 of 2023
in
Crl.A.(MD) No.76 of 2023
Date :14/06/2024

SA/SAR. /19.06.2024/6P/9C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.