



CRL MP(MD) No.1100 of 2024

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

Wednesday, the Thirteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.1100 of 2024

in

CRL A(MD) No.84 of 2024

KANAGARAJ

... PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE
AMMAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
IN CRIME NO.115/2015.

... RESPONDENT/RESPONDENT

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 by the Learned Fast Track Mahila Court, Virudhunagar District at Srivilliputhur in SC No.148/2016 dt.18/5/2023 and enlarge the Petitioner/Sole Accused on bail, till the disposal of the Criminal Appeal.

Prayer in CRL.A(MD).84/2024:

Pleased to admit this appeal on file and call for the records from the Lower Court and set aside the Judgment passed by the Learned Fast Track Mahila Court, Virudhunagar District at Srivilliputhur in S.C.No.148 of 2016 dated 18.05.2023 by allowing this appeal.

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 Mr.S.MAYA PERUMAL, Advocate for the petitioner and of



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Mr.M.MUTHUMANIKKAM, Government Advocate on behalf of the Respondent, the court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence imposed on him by the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, in S.C.No.148 of 2016 dated 18.05.2023 and to enlarge him on bail, pending disposal of the Criminal Revision.

2. It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner in Crime No.115 of 2019 on the file of the respondent/Inspector of Police, Ammapatti Police Station, Virudhunagar District, for the offences punishable under Sections 294(b), 506(ii) and 307 of IPC and the same was taken on file in S.C.No.148 of 2016 before the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur. The petitioner was convicted and sentenced to undergo 7 years rigorous imprisonment and to pay a fine of Rs.3,000/- (Rupees Three Thousand only) with six months simple imprisonment in case of default for offence under Section 307 (2 counts) of IPC. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Criminal Miscellaneous Petition seeking suspension of sentence.

3. Learned counsel for the petitioner further submitted that the petitioner and



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the de-facto complainant are husband and wife and the case pertains to family dispute. The prosecution has failed to prove the allegation levelled against the petitioner and to corroborate the evidence of prosecution witnesses. He further submitted that the trial court failed to consider that the vital offence under Section 307 of IPC is not made out as the evidence of P.W.1, is wholly not reliable. There is no medical evidence to prove that P.W.1 sustained any injury. He further submitted that the evidence of Doctor and wound certificate clearly disclosed the fact that the injury sustained by the daughter of the de-facto complainant is simple in nature. He also submitted that the trial Court failed to note that the alleged eyewitnesses are interested witnesses as they are the family members and relatives of the de-facto complainant and therefore, prayed for suspension of sentence. He further submitted that the petitioner is in judicial custody from 18.05.2023 and has not committed any offence as alleged by the prosecution.

4. Per contra, Mr.M.Muthumanikkam, learned Government Advocate (Crl. side) submitted that considering the gravity of offence committed by the petitioner, the Court below has found him guilty and hence, opposed for allowing this petition.

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

6. This Court finds force in the submission of the learned counsel for the



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petitioner and hence, this Court is of the prima facie view that there are arguable points involved in this Criminal Appeal. Moreover, the petitioner has been incarcerated from 18.05.2023 and further the Criminal Appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, in S.C.No.148 of 2016 dated 18.05.2023 alone is suspended, subject to the following conditions:-

i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur.

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.

iii) The petitioner shall appear and sign before the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, on the first working day of every English calender month at 10.30 a.m., until



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further orders.

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iv) In case, if the petitioner is unable to appear before the Court on the first working day of a month, he shall appear on the next working day.

v) The petitioner shall furnish his residential address and mobile number to the Trial Court i.e., learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur.

8. Subject to the above conditions, this Criminal Miscellaneous Petition is allowed.

sd/-
13/03/2024

/ TRUE COPY /

15/03/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RM
TO
1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
AMMAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.



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

+1 CC to M/s.S.MAYAPERUMAL, Advocate (SR-3105[I] dated 13/03/2024)

ORDER
IN
CRL MP(MD) No.1100 of 2024
in
CRL A(MD) No.84 of 2024
Date :13/03/2024

SA/SAR. /15.03.2024/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.