



CRL MP(MD) No.1304 of 2024

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

Thursday, the First day of August Two Thousand and Twenty Four

PRESENT

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

CRL MP(MD) No.1304 of 2024
and
CRL A(MD) No.97 of 2024

KARUTHATHAL

... Appellant / Accused No.2

Vs

THE INSPECTOR OF POLICE
V.K.PUDUR POLICE STATION, (UTHUMALAI PS),
TIRUNELVELI DISTRICT.
(CRIME NO.167/2014)

... 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 enlarge the petitioners on bail by suspending the sentence imposed by the learned Additional District and Sessions Judge, Tenkasi, Tenkasi District in SC No.463/2015 dated 10.08.2023 pending disposal of the main criminal appeal.

Prayer in CRL A(MD) No.97 of 2024:

To call for the entire records pertaining to the judgment rendered by the learned Additional District and Sessions Judge, Tenkasi, Tenkasi District in S.C.No.463 of 2015 dated 10.08.2023 and set aside the same and consequently acquit the appellant / accused No.2 honorably.



CRL MP(MD) No.1304 of 2024

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.M.ANANTHAMURUGAN, Advocat for M/s.S.BALAJI, 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 is filed by the appellant/A2 seeking to suspend the sentence imposed on her by the learned Additional District and Sessions Judge, Tenkasi District in S.C.No.463 of 2015 dated 10.08.2023.

2. The accused are convicted and sentenced by the Trial Court as follows:

Accused	Section of law	Sentence of Imprisonment	Fine amount
A1, A2 and A4	302 IPC	Life imprisonment	Rs.2000/- each in default to undergo 1 year simple imprisonment
	364 IPC	1 year simple imprisonment	Rs.2000/- each in default to undergo 3 months simple imprisonment
	342 IPC	-	Rs.1000/- each in default to undergo 1 month simple imprisonment

Sentences were ordered to run concurrently and the period of incarceration already undergone by the accused was ordered to be set off under Section 428 Cr.P.C.



CRL MP(MD) No.1304 of 2024

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3. The case of the prosecution is that the deceased Petchiammal was residing at Rajathotam in Veeranam and A2 is the sister of the deceased. A3 is the husband of A2 and A1 and A4 are son and daughter of A2. While so, A2 compelled the deceased to transfer her house in the name of A2. On 24.08.2014, P.W.1 Karuppasamy, who is the son of the deceased, went to Madurai. On the same day, at 14.00 hours, all the accused persons went to the house of the deceased and called her that they will take her to the hospital, for which, P.W.2 and her daughter prevented the accused persons. All the accused persons, with a common intention to murder the deceased took the victim and confined her in the house of A2 and asked her to transfer her house in favour of them and the same was refused by the deceased, for which, A3 instigated the other accused to murder the victim. While A2 caught hold of the deceased, A1 kicked the deceased on her chest and assaulted her with a stick on various parts of her body by saying that the deceased was caught by ghost and caused injuries. Further, A1 laid down the deceased on the floor by saying that he was going to chase the ghost and fired the camphor on her forehead and caused burn injury. On the next day, P.W.1, after returning from Madurai, admitted the deceased in Tirunelveli Medical College Hospital and after treatment, took her to Veeranam. Thereafter, on 13.09.2014, due to the fractures and injuries sustained, she died. Thereby, the accused persons committed the offences under



CRL MP(MD) No.1304 of 2024

Sections 120(b), 342, 302 IPC r/w 34 IPC.

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4. The learned counsel for the petitioner/ A2 would submit that the petitioner is aged about 75 years. Even as per the prosecution, major overt acts are attributed only against her son, A1 and husband A3 and the weapon used was a bamboo stick. Further, the incident is said to have happened on 24.08.2014 and the victim was admitted in Tirunelveli Medical College Hospital and she died on 13.09.2014. He would further submit that the petitioner was on bail during trial and she has not misused the liberty granted to her. The petitioner is in custody from the date of conviction, hence, he seeks for indulgence of this Court.

5. The respondent has filed a counter.

6. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with the other accused had compelled the deceased to hand over a property document and thereafter, they have assaulted her and kept her in confinement. A1 and A3 have assaulted the deceased with a bamboo stick while the petitioner and her daughter A4 have caught hold of the deceased. The Trial Court had rightly appreciated the evidence placed on record and convicted the accused. Hence, he would object for grant of suspension of sentence.

7. Heard the learned counsels on both sides and perused the materials available on record.



CRL MP(MD) No.1304 of 2024

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8. Taking into consideration that the petitioner is a lady and also considering the overt acts attributed to her and that the death has also occurred after few days and further, 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 taking into consideration the facts and circumstances of the case, we are inclined to suspend the sentence imposed on the petitioner by the Trial Court pending the Appeal.

9. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner/A2 is suspended, subject to the following conditions:

i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only), with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Senkottai, Tenkasi District.

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 identity.

iii. The petitioner shall appear before the Trial Court once in a month i.e., on



CRL MP(MD) No.1304 of 2024

the first working day of every English Calendar month at 10.30 a.m., until further orders.

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sd/-
01/08/2024

/ TRUE COPY /

02/08/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LM

To

- 1.The Additional District and Sessions Judge,
Tenkasi, Tenkasi District.
- 2.The District Munsif cum Judicial Magistrate,
Senkottai, Tenkasi District.
- 3.Do through the Chief Judicial Magistrate,
Tirunelveli District.
- 4.The Inspector of Police,
V.K.Pudur Police Station (Uthumalai P.S),
Tirunelveli District.
- 5.The Superintendent,
Central Prison for Women, Madurai.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.BALAJI, Advocate (SR-9166[I] dated 01/08/2024)



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CRL MP(MD) No.1304 of 2024

ORDER
IN
CRL MP(MD) No.1304 of 2024
and
CRL A(MD) No.97 of 2024
Date :01/08/2024

ED/ /SAR- (02/08/2024) 7P / 8C

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