



CRL MP(MD) No.2154 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.2154 of 2024
in
CRL A(MD) No.141 of 2024

KRISHNASAMY

... Appellant / Sole Accused

Vs

THE INSPECTOR OF POLICE
KRISHNAN KOVIL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CR.NO.94/2019)

... 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 against the petitioner in SC.No.141/2019 dt 06.02.2024 passed by the learned Fast Track Mahalir Court Virudhunagar District at Srivilliputhur and enlarge the petitioner on bail pending disposal of the above appeal.

Prayer in CRL A(MD) No.141 of 2024:

To call for the records in learned Fast Track Mahalir Court, Virudhunagar District at Srivilliputhur in S.C.No.141 of 2019 dated 06.02.2024 and to set aside the same.



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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.G.KARUPPASAMY PANDIYAN, 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/sole accused seeking to suspend the sentence imposed on him by the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur in S.C.No.141 of 2019 dated 06.02.2024.

2. The petitioner is convicted and sentenced by the Trial Court as follows:

Section of law	Sentence of Imprisonment	Fine amount
302 IPC	Life imprisonment	Rs.5000/- in default to undergo 1 year rigorous imprisonment

The period of incarceration already undergone by the accused was ordered to be set off under Section 428 Cr.P.C.

3. The case of the prosecution is that the accused and the deceased got married long back and due to wedlock, they have two children. The accused used to frequently quarrel with the deceased demanding money for drinking alcohol and the same was resisted by the deceased. While so, on 19.05.2019, in the morning, the



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accused demanded money for drinking alcohol, for which, she refused and the accused threatened her with dire consequences and went away. After some time, the accused came to the house and quarrelled with her and slapped on her both cheeks and pushed her, as a result of which, she fell down and sustained injury. Thereafter, the accused strangled the neck of the deceased using a skipping rope and assaulted her resulting in the deceased sustaining severe injuries and died. Thereby, the accused have committed the offences punishable under Section 302 IPC.

4. The learned counsel for the petitioner/accused would submit that the deceased is none other than the wife of the accused. Though story has been projected by the prosecution that the petitioner had demanded money from the deceased and since she has refused to give money, the petitioner is said to have killed her, the fact remains that the deceased was addicted to alcohol and even on the date of occurrence, she was under the influence of alcohol and during such time, a quarrel had taken place, which developed into altercation and she sustained injuries. The incident is said to have taken place during a quarrel and there was no intention on the part of the petitioner to cause the death of the deceased. The medical evidence would prove that the viscera of the deceased contained alcohol. He would further submit that the petitioner's daughter has attained puberty and



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there is no one to take care of her. The learned counsel would also submit that the petitioner was on bail during trial and he has not misused the liberty granted to him. 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 deceased is the wife of the petitioner. Since the deceased refused to give money to the accused for drinking alcohol, the petitioner assaulted the deceased and pushed her, due to which, she fell down and sustained injuries. Thereafter, the petitioner had strangled the neck of the deceased with a rope resulting in the death 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.

8. Having gone through the records and 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



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on the petitioner by the Trial Court pending the Appeal.

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9. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner/accused 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 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 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 the first working day of every English Calendar month at 10.30 a.m., until further orders.

sd/-
01/08/2024

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



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To

1.The Sessions Judge,
Fast Track Mahila Court,
Virudhunagar District at Srivilliputhur.

2.The Inspector of Police,
Krishnan Kovil 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.G.KARUPPASAMY PANDIYAN, Advocate (SR-9244[I] dated
01/08/2024)

ORDER
IN
CRL MP(MD) No.2154 of 2024
in
CRL A(MD) No.141 of 2024
Date :01/08/2024

ED/ /SAR- (02/08/2024) 6P / 6C
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