



CRL MP(MD) No.2933 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Seventh day of November Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
and

The Hon`ble Ms.Justice R. POORNIMA

CRL MP(MD) No.2933 of 2024

in

CRL A(MD) No.200 of 2024

MALLIGA

... Petitioner / Appellant

Vs

THE INSPECTOR OF POLICE
PUDUKKOTTAI POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO. 212 OF 2013)

... 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 on the petitioner by the learned Ist Additional District and Sessions Judge, Thoothukudi in S.C No. 445 of 2015 dt. 12.02.2024 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

Prayer in CRL A(MD) No.200 of 2024:

To call for the records relating to the judgment passed by the learned I Additional District and Sessions Judge, Thoothukudi in S.C.No.445 of 2015 dated 12.02.2024 and set aside the same.



CRL MP(MD) No.2933 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 M/s.R.JEGADEESWARAN, Advocate for the petitioner and of Mr.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondent, the Court made the following order:-

Heard both sides.

2. The petitioner is figuring as accused No.3 in S.C.No.445 of 2015 on the file of the I Additional District and Sessions Judge, Thoothukudi. She has been convicted by the learned Sessions Judge for the offence under Section 342 IPC. and sentenced to undergo one year rigorous imprisonment and under Section 307 r/w. 114 IPC, she was sentenced to undergo ten years rigorous imprisonment and to pay a fine of Rs.500/-, in default of payment of fine, to undergo further period of one year simple imprisonment and under Section 302 r/w. 114 IPC, she was sentenced to undergo life imprisonment and to pay a fine of Rs.1,000/-, in default of payment of fine, to undergo two years simple imprisonment.

3. One A.Kannan was done to death. As far as the petitioner is concerned, she is said to have caught hold of P.W.1, wife of the deceased. There is no allegation of any overt act against the petitioner in respect of the deceased.

4. We are clearly of the view that the petitioner's case is not having parity with that of the principal accused(A1). Besides this, there are other arguable points in



CRL MP(MD) No.2933 of 2024

favour of the petitioner herein. Since the main appeal may not be taken up for disposal immediate in the near future, we are inclined to suspend the sentence imposed on the petitioner herein.

5. Accordingly, this Criminal Miscellaneous Petition is ordered and the imprisonment ordered by the trial Court through the impugned judgment dated 12.02.2024 is suspended subject to the following conditions:-

i. The petitioner/ accused No.3 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 relative, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Thoothukudi.

ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Court may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.

iii. The petitioner shall report before the learned Judicial Magistrate No.I, Thoothukudi, in the first working day of every English calendar month at 10.30 a.m., until further orders and if she is not able to appear before the Court on any day, she shall make arrangements to file an application under Section 317 Cr.P.C. and shall



CRL MP(MD) No.2933 of 2024

WEB COPY

appear before the Court on any other day in lieu of the date of his
absence, as directed by the Court.

sd/-
07/11/2024

/ TRUE COPY /

/11/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PMU

To

- 1.The I Additional District and Sessions Judge,
Thoothukudi.
- 2.The Judicial Magistrate No.I,
Thoothukudi.
- 3.Do through the Chief Judicial Magistrate,
Thoothukudi District.
- 4.The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.
- 5.The Superintendent,
Women Central Prison,
Madurai.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



CRL MP(MD) No.2933 of 2024

+1 CC to M/s.R.JEGADEESWARAN, Advocate (SR-13681[I] dated 07/11/2024)

WEB COPY

ORDER
IN
CRL MP(MD) No.2933 of 2024
in
CRL A(MD) No.200 of 2024
Date :07/11/2024

ED/ /SAR- (13/11/2024) 5P / 8C

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