



CRL MP(MD) No.4191 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.4191 of 2024

in

CRL A(MD) No.294 of 2024

MUNIYANDI

... APPELLANT/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
SEMPATTI POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.80/2017)

... 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 me in SC No.215/2017 on the file of the Honble Sessions Judge, Fast Track Mahila Court, Dindigul dt.25/10/2019 and release the petitioners on bail till the disposal of the appeal.

Prayer in CRL A(MD) No.294 of 2024 :

To call for the entire records connected to the judgment in S.C.No.215 of 2017 on the file of the Hon'ble Sessions Judge, Fast Track Mahila Court, Dindigul dated 25.10.2019 and set aside the conviction and sentence imposed against the appellant.

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.R.ALAGUMANI, Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-



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

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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, Dindigul in S.C.No.215 of 2017 dated 25.10.2019.

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.3000/- in default to undergo 3 months simple imprisonment
294(b) IPC	1 month simple imprisonment	-
341 IPC	2 weeks 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.

3. The case of the prosecution is that marriage was held between the accused Muniyandi and the deceased Murugeswari 20 years prior to the occurrence and due to wedlock, they have one daughter and two sons. The accused frequently made quarrel with his wife for the past five years, having doubt with regard to the character of his wife and due to the misunderstanding between them, the deceased left the accused and was living separately at Azhagampatti. Hence, the accused



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developed enmity with his wife and decided to do away with her. While so, on 05.04.2017 at about 4.00 PM, the accused wrongfully restrained the deceased, while she was returning from work near Kozhikaradu, Krishnapuram, Nilakottai Taluk, Dindigul District and abused her in filthy language and then, the accused attacked the deceased with an aruval over her right side abdomen, right shoulder, right forehead and right thigh several times, as a result of which, the deceased sustained severe bleeding injuries. The deceased was admitted in Government Hospital, Dindigul and thereafter, she was referred to Government Rajaji Hospital, Madurai for further treatment and she died on 14.04.2017 at 6.45 AM while undergoing treatment. Thereby, the accused is punishable for the offences under Sections 341, 294(b) and 302 IPC.

4. The learned counsel for the petitioner/accused would submit that even as per the prosecution, the petitioner suspected the character of his wife and the incident is said to have taken during a quarrel. The petitioner, who was provoked by the attitude of his wife, had committed the offence. He would further submit that the incident is said to have happened on 05.04.2017 and the victim had lost her breath on 14.04.2017 after a period of nine days. Even as per the evidence of P.W.14, postmortem Doctor, he had admitted that if proper treatment had been given to the victim, she would have recovered. The learned counsel would further submit that the



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petitioner is in custody for the past seven years and the appeal was filed only recently and 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 since the deceased left the petitioner and was living separately, the petitioner had restrained the deceased, abused her in filthy language and attacked her with an aruval and inflicted several injuries on the deceased. The deceased has given a dying declaration (Ex.P18) and thereafter, she died on 14.04.2017. 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 and the period of incarceration, 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/accused is



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suspended, subject to the following conditions:

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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 Judicial Magistrate No.II, Dindigul.

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

/ 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 SESSIONS JUDGE, FAST TRACK MAHILA COURT, DINDIGUL.

2 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.



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4 THE INSPECTOR OF POLICE, SEMPATTI POLICE STATION,
DINDIGUL DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.DR.R.ALAGUMANI, Advocate (SR-9384[I] dated 02/08/2024)

ORDER
IN
CRL MP(MD) No.4191 of 2024
in
CRL A(MD) No.294 of 2024
Date :01/08/2024

RS//SAR-(02.08.2024) 6P 8C

Madurai Bench of Madras High Court is issuing
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