



CRL MP(MD) No.5317 of 2024

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

Wednesday, the Twenty Second day of May Two Thousand and Twenty Four

PRESENT

The Hon`ble Ms.Justice R.N.MANJULA
and
The Hon`ble Mr.Justice C. KUMARAPPAN

CRL MP(MD) No.5317 of 2024
in
CRL A(MD) No.436 of 2024

MUTHULAKSHMI

... Petitioner / Appellant

Vs

THE INSPECTOR OF POLICE
KARIYAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.240 OF 2016.)

... 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 of Imprisonment Imposed by the Learned Additional District and Sessions Court, Virudhunagar in S.C.No.162 of 2019 by the Judgment dated 21.03.2024 and enlarge the petitioner/appellant on bail, pending disposal of the above said criminal appeal.

Prayer in CRL A(MD) No.436 of 2024:

To call for the records and set aside the judgment and conviction dated 21.03.2024, by the learned Additional District and Sessions Court, Virudhunagar, in S.C.No.162 of 2019 and acquit the appellant.

Order : This criminal miscellaneous petition coming up for orders on this day,



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upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.PON KARTHIKEYAN.R, Advocate for the petitioner and of Mr.RMS.SETHURAMAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the criminal appeal, the Court made the following order:-

(Order of the Court was made by R.N.MANJULA, J.)

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence, whereby the petitioner / Accused No.2 was convicted and sentenced by the learned Additional District and Sessions Judge, Virudhunagar, in S.C.No.162 of 2019 for the following offence:-

Sl. No.	Provisions under which convicted	Sentence of imprisonment
1	Section 203 of IPC	To undergo two years rigorous imprisonment

2. The case of the prosecution is that the petitioner/A2 is the wife of the deceased Raja, who was working abroad. In this situation, the A2 developed intimacy with A1, who was residing near the house of A2. When the deceased Raja returned to his home, he came to know about the illicit intimacy of A2 with A1 and thereafter, he asked A1 in this regard which resulted in wordy altercation between the deceased Raja and A1. Thereafter, the deceased went to Madurai and was working therein. While so, A2 and A1 conspired together to do away the deceased



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Raja. On 26.09.2016, while the deceased Raja was returning to his home, A1 with the help of his friends/A3 & A4 caught hold of the deceased Raja and assaulted him with an iron rod and caused his death and then buried the body in a land near Kambali village. Despite knowing the same, A2 gave a complaint in Kariyapatti police station on 07.10.2016, stating that her husband Raja was missing. During the course of investigation, on getting secret information on 30.11.2018, the police arrested A1, who gave confessional statement before PW16/VAO. Therefore, charges were framed against A2 under Sections 120(B), 302 r/w 109 and 203 IPC.

3. The learned Judicial Magistrate No.II, Virudhunagar, has taken the case on file in P.R.C.No.18 of 2019 and committed to the Additional District and Sessions Court, Virudhunagar. The learned Additional District and Sessions Court, Virudhunagar, has taken the case on file in S.C.No.162 of 2019 and after considering the evidence of P.W.1 to 37, Ex.P1 to P.36 and M.O.1 to M.O.6 and Ex.C1, passed the impugned judgment of conviction and sentence as stated above.

4. Challenging the same, the A2 has filed this appeal. The trial Court suspended the conviction and sentence of A2 till 22.05.2024 vide order dated 21.03.2024 in Cr.M.P.No.6 of 2024.

5. Learned counsel appearing for the petitioners submits that when a case is based on circumstantial evidence, the chain of circumstances should be complete in



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all respects and the pointer of guilt should continuously be on the accused. In this case, though 37 prosecution witnesses were examined, the chain of circumstances in all respects was not complete and the prosecution miserably failed to prove the guilt against A2. Therefore, the learned counsel prays for suspending the sentence imposed on A2/petitioner herein.

6. Perusal of the memorandum of grounds of appeal and the arguments made by the counsel for the petitioner before this Court would show that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future. In view of the same and considering the fact that the trial Court has already suspended the sentence of the petitioner till today vide order dated 21.03.2024 in Cr.M.P.No.6 of 2024, 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 petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal with the following directions:-

(i) The petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties



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within a period of 10 days from the date of receipt of a copy of this order, for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Virudhunagar.

(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; and

(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/-
22/05/2024

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/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

BALA

To

1.The Additional District and Sessions Judge,
Virudhunagar.



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2.The Judicial Magistrate No.II,
Virudhunagar.

3.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

4.The Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-5559[I] dated 22/05/2024)

ORDER
IN
CRL MP(MD) No.5317 of 2024
in
CRL A(MD) No.436 of 2024
Date :22/05/2024

ED/ VR /SAR- (28/05/2024) 6P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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