



CRL MP(MD) No.5777 of 2024

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

Tuesday, the Twenty Second day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN
and
The Hon`ble Ms.Justice R. POORNIMA

CRL MP(MD) No.5777 of 2024
in
CRL A(MD) No.501 of 2024

1 RAMAN

2 SELVAM

... Petitioners / Appellant

Vs

THE INSPECTOR OF POLICE
JEYAMANKALAM POLICE STATION,
THENI DISTRICT.
(CRIME NO.219 OF 2018.)

... 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 made in S.C.NO.105 of 2019 dated 30.04.2024 on the file of the Mahila Court (FTC), Theni and enlarge the petitioners on bail, pending disposal of the above Criminal Appeal.

Prayer in CRL A(MD) No.501 of 2024:

To call for the records pertaining to the conviction judgment passed in S.C.No.105 of 2019, dated 30.04.2024 on the file of the Mahila Court (FTC), Theni and 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.AYYANAR PREM KUMAR.S, Advocate for the petitioners and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the Court made the following order:-

This Criminal Miscellaneous Petition has been filed by the second and third accused (A2 & A3) in S.C.No.105 of 2019 on the file of the Mahila Court (Fast Track Court), Theni, who have been convicted by judgment dated 30.04.2024, for offence punishable under Sections 302 IPC r/w. 114 IPC or 302 IPC r/w. 221 Cr.P.C., and sentenced to undergo life imprisonment and fine of Rs.1,000/-, in default one month simple imprisonment.

2. The son of the second and third accused, who has been arrayed as the first accused (A1), was convicted for the offence punishable under Sections 302 IPC and sentenced to undergo life imprisonment and fine of Rs.1,000/-, in default one month simple imprisonment, and was also convicted for the offence punishable under Section 294(b) IPC and sentenced to undergo one month simple imprisonment.

3. It is the case of the prosecution that when the deceased was sitting in front of the locked house, A1, who is her husband came over there and entered into a quarrel with her and went out. He came back later at night and again entered into a quarrel with her. All the three accused had thought that her presence only bring disrespect to them and therefore, had taken a decision to set her fire.



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4. It is the further case of the prosecution that the accused herein had instigated A1 to pour kerosene on the head of the deceased and A1 promptly set her fire. At the conclusion of the trial, all the accused stood convicted as stated above.

5. It is the case of the learned counsel appearing for the petitioners that the only charge as against the petitioners herein is that the petitioners herein had instigated A1, who is their own son, to set the deceased on fire. The dying declaration was also recorded by the deceased, wherein she had stated that in a heated arguments, her husband / A1 had abused her with filthy language and poured kerosene and set her fire. She had further stated that the accused went out of the house and locked the door. Thereafter, A1 came inside the house and dragged her out. She had also stated that the petitioners / A2 and A3 had instigated A1 to do this Act. But, it is not on evidence that these two petitioners had actually poured kerosene and set her on fire. It is for the reason that they were charged with the offence punishable under Sections 302 IPC r/w. 114 IPC and not charged with the offence punishable under Section 302 IPC r/w. 34 IPC.

6. Taking into consideration the fact that the entire incident arose, not out of the quarrel between these two petitioners and the deceased, but out of the quarrel between A1 and the deceased, the fact that these petitioners were involved only in the controversy and are said to have instigated A1 to set the deceased on fire, the



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fact that these petitioners have been suffering incarceration for nearly about six months as on date and also considering their age and also taking into consideration the fact that the petitioners have to maintain their grandchildren, we are inclined to grant suspension of sentence.

7. Accordingly, this Criminal Miscellaneous Petition is ordered and the imprisonment ordered by the trial Court through the impugned judgment, dated 30.04.2024 is suspended subject to the following conditions:-

i. The petitioners/accused 2 and 3 are directed to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only), each with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Mahila Court, Fast Track Court, Theni.

ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Court may obtain copies of their Aadhar cards or Bank passbooks to ensure their identity.

iii. The petitioners shall report before the learned Mahila Judge, Fast Track Court, Theni, in the first working day of every English calendar month at 10.30 a.m., until further orders and if they are not able to appear before the trial Court on any day, they shall make



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arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

We make it clear that this order shall not enure to the advantage of A1.

sd/-
22/10/2024

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24/10/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

SM

To

1.The Sessions Judge,
Mahila Court (FTC), Theni.

2.The Inspector of Police,
Jeyamankalam Police Station,
Theni District.

3.The Superintendent,
Central Prison Madurai.

4.The Officer Incharge,
Special Prison for Woman, Madurai.

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



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+1 CC to M/s.S.AYYANAR PREMKUMAR, Advocate (SR-12905[I] dated
22/10/2024)

ORDER
IN
CRL MP(MD) No.5777 of 2024
in
CRL A(MD) No.501 of 2024
Date :22/10/2024

ED/ /SAR- (24/10/2024) 6P / 7C

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