



CRL MP(MD) No.7372 of 2024

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

Thursday, the Nineteenth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN

and

The Hon`ble Mr.Justice J.SATHYA NARAYANA PRASAD

CRL MP(MD) No.7372 of 2024

in

CRL A(MD) No.603 of 2022

MURUGAPANDI

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO. 215/2009

... 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 in S.C No.233 of 2011 dt. 28.06.2022 on the file of the learned Fast track Mahila court, Virudhunagar at Srivilliputhur and enlarge the petitioner on bail, pending disposal of the above said Criminal Revision Petition.

Prayer in CRL A(MD) No.603 of 2022 :

To call for records and set aside the Conviction and sentence dated 28.06.2022 by the learned Fast Track Mahila Court, Virudhunagar at Srivilliputhur in S.C.No.233 of 2011 and acquit 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.M.KARUNANITHI, Advocate for the petitioner and of MR.S.RAVI, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-



CRL MP(MD) No.7372 of 2024

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The sole appellant in S.C. No.233 of 2011 on the file of Sessions Court, Fast Track Mahila Court at Virudhunagar District at Srivilliputhur, who had been convicted for the offences punishable under Section 436 of I.P.C and sentenced to undergo life imprisonment and to pay a fine of Rs.2,000/- in default to undergo six months rigorous imprisonment and convicted for the offence punishable under Section 302 IPC (2 counts) and sentenced to undergo life imprisonment and to pay a fine of Rs.3,000/- in default to undergo six months rigorous imprisonment, has filed the present petition seeks suspension of sentence.

2.Perusal of records shows that the petitioner had been suffering imprisonment from 18.02.2021 till the date of Judgment (ie., on 28.06.2022) and thereafter, from the date of Judgment ie., on 28.06.2022 to till this date.

3.It is the case of the prosecution that the appellant herein was married to one Muthulakshmi/deceased No.1 and deceased No.2, Kamala was her mother. There were frequent quarrels between the appellant and the deceased No.1, owing to which, she has taken a conscious decision to move away from the marital home and reside with her mother Kamala/Deceased No.2. The deceased No.1 had stayed away from the appellant for a period of 1 ½ years. On 13.06.2009, it is stated that the appellant had called over his wife/deceased No.1 to come back to Madurai from Sivakasi, where she was staying with her mother, failing which, he would kill them



CRL MP(MD) No.7372 of 2024

by setting fire. She did not respond to such threat. Thereafter, on 14.06.2009, early morning at around 04.00a.m., while his wife and her mother were sleeping in their house at Sivakasi, the accused had gone over there and is said to have poured petrol under the door and set fire. His mother-in-law/Kamala first suffered burns and his wife is said to have tried to protect her mother but also suffered burn injuries. The prosecution had requested the recording of the dying declarations of both the deceased persons and the same were recorded by the learned Judicial Magistrate, Sivakasi. The dying declaration of his wife Ex.P.16 was the prime evidence against the appellant.

4.The learned counsel for the appellant would go through the dying declaration of Muthulakshmi/deceased No.1 and stated that she had stated that she suspected that the appellant had caused the fire, which caused her and her mother to suffer burn injuries. As a matter of fact both her hands were burnt and she had to affix her thumb impression on the dying declaration.

5.The learned counsel for the appellant pointed out that this was the only piece of evidence directly implicating the appellant herein.

6.The learned counsel for the appellant further pointed out the long period of incarceration suffered by the appellant from 18.01.2022 till today. However, the learned Additional Public Prosecutor pointed that the incarceration of the appellant



CRL MP(MD) No.7372 of 2024

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from 18.01.2022 till 28.06.2022 was a cause of his own making, since he absconded from judicial process and after he had been secured, bail was not granted to him.

On the earlier occasion, bail had been granted to the appellant within a period of three months from the date of initial remand. It is therefore, contended that there is every possibility of the petitioner absconding once again, even before the appeal could be heard.

7.However, we have to balance that particular contention of the learned Additional Public Prosecutor with the period of incarceration from the date of Judgment suffered by the appellant herein. We also find that there is no other evidence produced to prove any other motive except, family quarrel between the appellant and his wife/Muthulakshmi/Deceased No.1.

8.In view of those circumstances, we would grant suspension of sentence imposed by the Court below in S.C.No.233 of 2011 dated 28.06.2022 subject to the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur



CRL MP(MD) No.7372 of 2024

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- (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 respondent Police/Inspector of Police, Thiruthangal Police Station on every Saturday at 10.30 a.m., until further orders.

sd/-
19/09/2024

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23/09/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

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



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CRL MP(MD) No.7372 of 2024

ORDER

IN

CRL MP(MD) No.7372 of 2024

in

CRL A(MD) No.603 of 2022

Date :19/09/2024

RS//SAR-(23.09.2024) 6P 5C

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