



CRL MP(MD) No.13013 of 2023

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

Friday, the Fifth day of July 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.13013 of 2023
IN
CRL A(MD)No. 828 of 2023

CHILAMBARASI

... APPELLANT/ ACCUSED

Vs

THE INSPECTOR OF POLICE
PATTIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT,
CRIME NO.102/2014

... 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 the petitioner in SC.No.10/2017 dated 17.10.2022 on the file of the Additional District and Sessions Court, Dindigul and enlarge him on bail pending disposal of the above criminal appeal

PRAYER IN CRL A(MD)No. 828 of 2023:

Pleased to call for the records relating to the Judgment in S.C.No. 10/2017 dated 17.10.2022 on the file of the Additional District and Sessions Court, Dindigul set aside the same and allow this appeal.



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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.SUSI KUMAR C, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

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

Seeking to suspend the sentence imposed on the petitioner by the learned Additional District and Sessions Judge, Dindigul, vide Judgment dated 17.10.2022 in S.C.No.10 of 2017, she has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence imprisonment	of	Fine amount
302 I.P.C.	To undergo imprisonment	life	Rs.10,000/-, in default to undergo three months simple imprisonment.

3. The case of the prosecution is that the deceased and the petitioner herein were husband and wife. Out of the wedlock, they were blessed with two children. The deceased / husband of the petitioner often used to consume liquor and harass the petitioner. Since the deceased had continuously harassed the petitioner, on 11.06.2024, at about 11.00 p.m., when the deceased was in his house, she had attacked the deceased with a knife on his left head and lower jaw indiscriminately and also stabbed on his left neck, thereby, the deceased died on the spot itself.



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4. Learned counsel for the petitioner would submit that even as per the charge, the deceased husband of the petitioner is said to have harassed her in an inebriated condition and he had continuously committed cruelty on her, which resulted in committing the alleged offence. Other than P.Ws.1 to 3, who are said to have seen the petitioner standing with one Aruval, there is no other direct witness to the occurrence. The petitioner is a victim of continuous domestic violence and the offence is said to be out of frustration. He would further submit that the petitioner has got two children and she is in custody from the date of conviction. Further, there are several arguable points in favour of the petitioner and the likelihood of the appeal being taken up for final hearing in the near future is also not possible and therefore, he prayed for suspension of sentence

5. The respondent – Police has filed a detailed counter affidavit.

6. Learned Additional Public Prosecutor appearing for the respondent – Police, on instructions, would submit that the petitioner is the wife of the deceased. The deceased was in the habit of getting drunk and used to assault the petitioner and being enraged by the same, the petitioner had committed the murder on 11.06.2024 at 11.00 p.m., by indiscriminately cutting him with an Aruval. In the complaint, the petitioner is said to have committed the murder due to constant harassment by her husband and on the date of occurrence also, the deceased was in an inebriated



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condition.

7. Heard the learned counsel on either side and perused the materials available on record.

8. Having gone through the records and taking into consideration the facts and circumstances of the case that even as per the prosecution case, the deceased, husband of the petitioner, is said to have committed cruelty on her in an inebriated condition and being enraged by the same, the petitioner is said to have committed the murder, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioner.

9. Accordingly, the criminal miscellaneous petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner herein is suspended, subject to the following conditions:

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.

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iii. The petitioner shall appear before the learned Additional District and Sessions Judge, Dindigul at 10.30 a.m., on the first working day of every calender month, until further orders.

sd/-
05/07/2024

/ TRUE COPY /

09/07/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

KRK
TO

- 1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, DINDIGUL.
- 2 THE JUDICIAL MAGISTRATE NO.II DINDIGUL
- 3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 4 THE INSPECTOR OF POLICE
PATTIVEERANPATTI POLICE STATION,
DINDIGUL DISTRICT,
- 5 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.



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

+1 CC to M/s.C.SUSIKUMAR, Advocate (SR-7547[I] dated 05/07/2024)

ORDER
IN
CRL MP(MD) No.13013 of 2023
IN
CRL A(MD)No. 828 of 2023
Date :05/07/2024

PKP/09.07.2024/ 6P/ 8C

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