



CRL MP(MD) No.14948 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Twenty Sixth 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.14948 of 2023

in

CRL A(MD) No.399 of 2022

PANNER SELVAM

... Petitioner / Appellant / Sole Accused

Vs

THE INSPECTOR OF POLICE
BUDALUR POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.77/2018)

... Respondent / 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 execution of sentence by granting conditional bail in S.C.No.30/2019 on the file of the Mahila Court (Fast Track Mahila Court Thanjavur District dt 15.06.2022 till the disposal of the main criminal Appeal.

Prayer in CRL A(MD) No.399 of 2022:

To call for records and set aside the judgment and conviction dated 15.06.2022, by the learned Mahila Court (Fast Track Mahila Court), Thanjavur in S.C.No.30 of 2019 and acquit the appellant.



CRL MP(MD) No.14948 of 2023

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.JULIET LATHA.N, 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 Mahila Court, FTC Mahila Court, Thanjavur District, vide order dated 15.06.2022 in S.C.No.30 of 2190, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
302 IPC	To undergo Life imprisonment	Rs.1000/-, in default to undergo three months simple imprisonment.

3.The case of the prosecution is that the accused is the husband of the deceased, who was working as Assistant under the Nutrition Noon Meal Scheme in Indhalur Government High School. There was some misunderstanding between the accused and the petitioner. Hence, the petitioner with a motive to kill the deceased, asked the deceased to come to Karuvaikadu, which is situated near the School on



CRL MP(MD) No.14948 of 2023

WEB COPY

23.03.2018. At that time, some heated arguments had taken place, due to which the petitioner grabbed the neck of the deceased and cut the hand and throat by using wood cutter. Thereby, the petitioner died on the spot.

4. The learned counsel for the petitioner submitted that the witnesses have not supported the case of the prosecution. However, the trial Court based on the extra judicial confession, had convicted the petitioner. Other than the extra judicial confession, there is no material evidence to fix the culpability on the petitioner, which is a weak piece of evidence. He further submitted that the petitioner is in custody for the past two years from 15.06.2022.

5.The learned Additional Public Prosecutor for the respondent submitted that some of the witnesses have partly supported the case of the prosecution. The petitioner has also given an extra judicial concession, based on which the billhook, which was used to murder the deceased and the shirt of the deceased were also recovered from the place of occurrence. Hence, he objects for grant of suspension of sentence.

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

7.It is a case of circumstantial evidence. Some of the witnesses have not supported the case of the prosecution. The trial Court had found the accused guilty



CRL MP(MD) No.14948 of 2023

WEB COPY

based on the extra judicial confession which is a weak piece of evidence. 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 considering the period of incarceration and also taking into consideration the facts and circumstances of the case, we are inclined to suspend the sentence imposed on the petitioner by the Trial Court pending the Appeal.

8. Accordingly, the criminal miscellaneous petition is allowed and the substantive sentence of imprisonment imposed on the petitioner herein alone is suspended pending the Appeal, 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 Mahila Court (Fast Track Mahila Court), Thanjavur District.

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 report before the trial Court, every Monday at at 10.30 am., until further orders.



CRL MP(MD) No.14948 of 2023

WEB COPY

iv.It is made clear that the petitioner shall not enter into the jurisdictional

limits of the respondent Police Station until further orders.

sd/-
26/07/2024

/ TRUE COPY /

31/07/2024
Sub-Assistant Registrar (A.E.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TA

To

1.The Sessions Judge,
Mahila Court (Fast Track Mahila Court),
Thanjavur District.

2.The Inspector of Police,
Budalur Police Station,
Thanjavur District.

3.The Superintendent,
Central Prison,
Trichy.

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

+1 CC to M/s.N.JULIET LATHA, Advocate (SR-8958[I] dated 30/07/2024)



WEB COPY



CRL MP(MD) No.14948 of 2023

ORDER
IN
CRL MP(MD) No.14948 of 2023
in
CRL A(MD) No.399 of 2022
Date :26/07/2024

ED/ /SAR- (31/07/2024) 6P / 6C

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