



CRL MP(MD) No.15441 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.15441 of 2023
in
CRL A(MD)No.215 of 2023

MURUGESAN ... PETITIONER/ APPELLANT/ SOLE ACCUSED

NOW HE IS IN CENTRAL PRISON,
TRICHY AND HIS C.P NO. IS 24382

Vs

THE INSPECTOR OF POLICE
MATHUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
CRIME NO. 199/2020 ... 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 sentence imposed by the Learned Sessions Judge, Mahila court, Pudukkottai in S.C No. 3 of 2021 dated 16.09.2022.

PRAYER in CRL A(MD)No.215 of 2023:

To call for the records and set aside the conviction and sentence passed by the learned Sessions Judge, Mahila Court, Pudukkottai in S.C.No.3 of 2021 dated 16.09.2022 and acquit the Appellant.



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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.SOMASUNDARAM.E, Advocate for the petitioner and of Mr.A.THIRUVADIKUMAR, 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 Sessions Judge, Mahila Court, Pudukkottai, *vide* Judgment dated 16.09.2022 in S.C.No.3 of 2021, 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 I.P.C.	To undergo life imprisonment	Rs,2,00,000/-, in default to undergo one year rigorous imprisonment.

3. The case of the prosecution is that the petitioner and the deceased are husband and wife. There was some misunderstanding between them regarding partition of ancestral properties, thereby, they were living separately. The deceased and her children were living with the mother of the deceased (P.W.2) in Alangulam Village.



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However, from 11.05.2020, due to intervention of the Village Panchayatars, the petitioner started to live with the deceased. In such circumstances, on 09.06.2020, at about 10.00 a.m., the petitioner had informed the deceased that he intends to transfer and register his ancestral property in favour of his sister. Since the deceased objected to the same, there was a verbal quarrel between the petitioner and the deceased, thereby, on 12.06.2020, at about 12.30 a.m., he attacked the deceased with an wooden log and strangulated her, thereby, she died.

4. Learned counsel for the petitioner would submit that the petitioner and the deceased are husband and wife. Even as per the prosecution, the incident is said to have happened during a quarrel and the petitioner is said to have assaulted the deceased with an wooden log on her left upper arm and thereafter, said to have strangulated her. The petitioner is custody for the past four years. 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.



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6. Learned Additional Public Prosecutor appearing for the respondent – Police, on instructions, would submit that there is no direct evidence to the occurrence and the incident had happened inside the house and no explanation was given by the petitioner. Further, this is the second application for bail. Therefore, he prays for dismissal of this suspension of sentence application.

7. In reply, learned counsel for the petitioner would submit that the earlier application for suspension of sentence was dismissed as withdrawn, since it was filed early.

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

9. Having gone through the records and taking into consideration the facts and circumstances of the case, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioner.

10. 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



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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 Sessions Judge, Mahila Court, Pudukkottai.

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 passbook to ensure their identity.

iii. The petitioner shall appear before the learned Sessions Judge, Mahila Court, Pudukkottai at 10.30 a.m., on the first working day of every calender month, until further orders.

sd/-
05/07/2024

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08/07/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

KRK

TO

1 THE SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI.

2 THE INSPECTOR OF POLICE
MATHUR POLICE STATION, PUDUKKOTTAI DISTRICT.



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3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1 CC to M/s.E.SOMASUNDARAM, Advocate (SR-7528[I] dated 05/07/2024)

ORDER
IN
CRL MP(MD) No.15441 of 2023
in
CRL A(MD)No.215 of 2023
Date :05/07/2024

SS/SAR- /08/07/2024/6P/6C

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