



CRL MP(MD) No.16732 of 2023

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

Wednesday, the Twenty First day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
and
The Hon`ble Mr.Justice C. KUMARAPPAN

CRL MP(MD) No.16732 of 2023
IN
CRL A(MD) No.1045 of 2023

GOVINDARAJ

... PETITIONER/APPELLANT

Vs

THE INSPECTOR OF POLICE
M.PUDUPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
IN CRIME NO.09/2016.

... 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 imposed by the learned Fast Track Mahila Court, Virudhunagar District at Srivilliputhur in SC No.240/2016 dt.30/8/2023 and enlarge the Petitioner/Appellant on bail pending disposal of the Crl.A.

PRAYER in CRL A(MD) No.1045 of 2023:

To call for the records and set aside the judgment and conviction passed in S.C.NO.240 of 2016 dated 30.08.2023 on the file of the Fast Track Mahila Court, Virudhunagar District at Srivilliputhur 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 Mr.S.BASKAR MATHURAM, Advocate for M/S.MATHURAM LAW ASSOCIATES, for the petitioner and of Mr.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the Court made the following order:-

This petition for suspension of sentence filed by the life convict who has preferred appeal against the conviction and same is pending for consideration.

2. Learned counsel appearing for the petitioner/appellant submits that it is a case of circumstantial evidence and purely based on the postmortem report and evidence of the postmortem Doctor, the trial Court has convicted the petitioner. Further, he has also canvassed the merit of the appeal questioning the veracity of the other witnesses examined by the prosecution. However, this Court finds that the victim is the wife and the occurrence has happened inside the house where the accused and the victim alone present and though initially the prosecution has believed it to be a case of suicide by hanging later the investigation has revealed it is a case of homicide.



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3. For considering the suspension of sentence, this Court is of the view that in the light of the evidence, the suspension of sentence for the ground raised by the petitioner will not arise for the present and therefore, this petition is dismissed with liberty to the petitioner to revive his prayer after one year if the criminal appeal is not taken up for disposal in the interregnum.

sd/-
21/02/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

BALA

TO

- 1 THE JUDGE,
FAST TRACK MAHILA COURT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 2 THE INSPECTOR OF POLICE
M.PUDUPATTI 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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ORDER
IN
CRL MP(MD) No.16732 of 2023
IN
CRL A(MD) No.1045 of 2023
Date :21/02/2024

SS/VR/SAR- /26/02/2024/4P/5C

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