



CRL MP(MD) No.12537 of 2024

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

Wednesday, the Twenty Seventh day of November Two Thousand and Twenty
Four

PRESENT

The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

CRL MP(MD) No.12537 of 2024

in

CRL A(MD)No.581 of 2024

PANDIMANI

... PETITIONER/ APPELLANT

Vs

THE STATE OF TAMIL NADU
REP BY THE INSPECTOR OF POLICE,
NATHAM POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO. 528/2012

... 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 conviction and sentence and grant bail to the appellant pending disposal of the criminal appeal before this Honble court against the judgment in S.C no. 45 of 2014 on the file of the Sessions court, Mahila Fast track court, Dindigul dated 20.05.2024 pending disposal of the Appeal.

PRAYER in CRL A(MD)No.581 of 2024:

To call for the records in S.C.No.45 of 2014 on the file of the Sessions Court, Mahila Fast Track Court, Dindigul dated 20.05.2024 and set aside the same 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.R.VENKATESAN, Advocate for the petitioner and of Mr.M.SAKTHI KUMAR, Government Advocate(Crl.side) on behalf of the Respondent while admitting the Criminal Appeal,, the Court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed in S.C.No.45 of 2014, dated 20.05.2024, by the Mahila Fast Track Court, Dindigul, pending disposal of this Criminal Appeal.

2.The case of the prosecution is that the defacto complainant is the wife of the petitioner. The petitioner is used to borrow money from the various persons and picking a quarrel with the defacto complainant in a drunken mood. When the same was questioned by the defacto complainant, there was a dispute between them. Due to that motive, on 22.10.2012, at about 07.00 p.m, the petitioner is said to have gone to the house with an intention to kill the defacto complainant and attacked her with an aruval and caused grievous injuries. Hence, the respondent Police registered a case in Crime No.528 of 2012 for the offence under Section 307 of IPC.

3.The respondent police, after completing the investigation, has laid a final report before the Mahila Fast Track Court, Dindigul, for the offence under Section 307 of IPC, and the same was taken on file in S.C.No.45 of 2014.



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4. During the trial, on the side of the prosecution, 14 witnesses were examined as P.W.1 to P.W.14 and 12 documents were marked as Ex.P.1 to Ex.P.12 and marked M.O.1 & M.O.2. On the side of the accused, neither a witness was examined nor a document was exhibited.

5. The learned Sessions Judge, upon considering the evidences adduced and on hearing the arguments on both the sides, has passed the impugned judgment dated 20.05.2024 convicting the petitioner/accused for the offence under Section 307 of IPC and sentenced him to undergo 4 years Rigorous Imprisonment and to pay a fine of Rs.2,000/- in default to undergo 6 months simple imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

6. The learned counsel for the petitioner submitted that the petitioner and the defacto complainant are the husband and wife. Due to some emotional outburst, the petitioner is said to have assaulted the defacto complainant. Now, the defacto complainant is living separately, and the sister of the petitioner has also filed an



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undertaking affidavit before this Court stating that the petitioner will not make any disturbance to the defacto complainant in the future. Hence, he seeks suspension of sentence.

7.The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed this petition.

8.This Court considered the rival submission made by the learned counsel appearing on either side and perused the materials available on record.

9.Considering the facts and circumstances of the case and also considering the undertaking affidavit filed by the sister of the petitioner that since the petitioner wants to lead a peaceful life after coming out on bail, he will not make any disturbance to the defacto complainant in future and also considering the fact that the petitioner is in prison for more than two years and there are some arguable points involved in the criminal appeal, the petitioner is entitled to the relief of grant of suspension of sentence.

10.Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-



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(i) The petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, each for a like sum to the satisfaction of the Mahila Fast Track Court, Dindigul;

(ii) The sureties shall affix his photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of his Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal.

sd/-
27/11/2024

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27/11/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

- 1 THE SESSIONS JUDGE,
MAHILA FAST TRACK COURT, DINDIGUL.
- 2 THE INSPECTOR OF POLICE,
NATHAM POLICE STATION, DINDIGUL DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.



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

ORDER
IN
CRL MP(MD) No.12537 of 2024
in
CRL A(MD)No.581 of 2024
Date :27/11/2024

SS/SAR- /27/11/2024/ 6P/5C

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