



CRL MP(MD) No.15675 of 2023

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

Tuesday, the Thirtieth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.15675 of 2023

in

CRL A(MD) No.923 of 2023

RADHA SELVAM

... Petitioner / Appellant

Vs

THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION,
PANAGUDI,
TIRUNELVELI DISTRICT.
(CRIME NO.54/2010.)

... 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 on the Appellant by the Judgment dt.25.09.2023 passed in STC No.148/2017 on the file of Sessions Court (Mahila Court), Tirunelveli and enlarge the petitioner on bail, pending disposal of the above criminal appeal.

Prayer in CRL A(MD). 923/ 2023 :

To call for the records pertaining to the impugned order of the learned Sessions Court (Mahila Court), Tirunelveli dated 25.09.2023 passed in S.C.No.148 of 2017 and set aside the same by allowing this criminal appeal.

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



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of M/s.K.RAJESHWARAN, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the Sessions Court (Mahila Court), Tirunelveli, in S.C.No.148 of 2017, dated 25.09.2023, till the disposal of this Criminal Appeal.

2. According to the prosecution, the deceased family and the accused family are neighbours and due to money dispute, quarrel arose between the two family members. While so, on 24.01.2010, at about 11.30 a.m., when the deceased was preparing hot water, the petitioner along with the other accused went to the place and abused her and the petitioner/A1 took the kerosene kept near the stove and poured the same over the body of the deceased. The Kerosene fell on the firewood stove and caught fire on the body of the deceased and the deceased sustained burn injuries and succumbed to the injuries on 07.02.2010. Thereby, a case has been registered against the petitioner in Crime No.54 of 2010 on the file of the respondent police for the offence punishable under Section 304 (ii) of Indian Penal Code and the same was taken on file in S.C.No.148 of 2017 on the file of the Sessions Court (Mahila Court), Tirunelveli. The petitioner was convicted and sentenced to undergo five years Rigorous Imprisonment and to pay a fine of Rs.25,000/- with six months simple imprisonment in case of default. Challenging the above said conviction and



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sentence, the petitioner/Accused No.1 has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

3. The learned counsel appearing for the petitioner submits that the Court below has not appreciated the deposition of P.W.11 in which it has been stated that the victim herself poured kerosene on her body and she got fire while nearing the firewood stove. He further submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses and the petitioner is 66 years old and she is in custody from 25.09.2023 and hence, he seeks to allow this petition.

4. Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor submitted that earlier this Court has dismissed the petition filed by the petitioner on 20.10.2023 seeking suspension of sentence and this is the second petition filed by the petitioner and he submitted that there are enough materials available on record against the petitioner and hence, opposed for allowing the petition.

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

6. Considering the arguable points involved in the appeal and taking into consideration the age of the petitioner, this Court is of the prima facie view that the sentence imposed on the petitioner is to be suspended pending this appeal.



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7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Sessions Judge (Mahila Court), Tirunelveli in S.C.No.148 of 2017, dated 25.09.2023 alone is suspended subject to the following conditions:

- 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 learned Sessions Judge (Mahila Court), Tirunelveli;
- 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 Pass Book to ensure their identity;
- iii) The petitioner shall appear and sign before the learned Sessions Judge (Mahila Court), Tirunelveli, once in 15 days at 10.30 a.m., until further orders;
- iv) In case, if the petitioner is unable to appear before the Court on the first working day of a month, she shall appear on the next working day; and
- v) The petitioner shall furnish her residential address and mobile number to the Trial Court i.e., learned Sessions Judge (Mahila Court), Tirunelveli.



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8. Subject to the above conditions, this Petition is allowed.

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30/01/2024

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31/01/2024

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

PKN

To

1.The Sessions Judge,
(Mahila Court), Tirunelveli.

2.The Inspector of Police,
Panagudi Police Station,
Panagudi, Tirunelveli District.

3.The Superintendent,
Central Prison, Madurai.

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

+1 CC to M/s.K.RAJESHWARAN, Advocate (SR-1115[I] dated 30/01/2024)

ORDER

IN

CRL MP(MD) No.15675 of 2023

in

CRL A(MD) No.923 of 2023

Date :30/01/2024

ED/ /SAR- (31/01/2024) 5P / 6C

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