



CRL MP(MD) No.2135 of 2024

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

Thursday, the First day of August 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.2135 of 2024
in
CRL A(MD) No.140 of 2024

RANI

... Petitioner / Appellant

Vs

THE INSPECTOR OF POLICE
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI.
(CR.NO.137/2014)

... 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 of imprisonment imposed by the learned Additional District and Sessions Judge sivagangai in S.C.No.41/2015 by the judgment dt 29.9.2023 and enlarge the petitioner appellant on bail pending disposal of the above said Criminal appeal.

Prayer in CRL A(MD) No.140 of 2024:

To call for the records of judgment passed in S.C.No.41 of 2015 dated 29.09.2023 on the file of the Additional District and Sessions Judge, Sivagangai and set aside the same and acquit the appellant / accused .



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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.AROKIYA SELVA RAMESH.S, 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.]

The present petition is filed by the appellant/sole accused seeking to suspend the sentence imposed on her by the learned Additional District and Sessions Judge, Sivagangai in S.C.No.41 of 2015 dated 29.09.2023.

2. The petitioner is convicted and sentenced by the Trial Court as follows:

Section of law	Sentence of Imprisonment	Fine amount
302 IPC	Life imprisonment	Rs.10,000/- in default to undergo 1 year simple imprisonment
201 IPC	4 years imprisonment	Rs.2000/- in default to undergo 3 months imprisonment

The period of incarceration already undergone by the accused was ordered to be set off under Section 428 Cr.P.C.

3. The case of the prosecution is that the accused Rani is the wife of the deceased Ramachandran. The deceased suspected the modesty of his wife and under the influence of alcohol he frequently quarrelled with her and attempted to kill her with sickle. Hence, the accused lodged complaint against him on 04.05.2014



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in Sivagangai Police Station and they warned her husband to live with her. While so, on 10.05.2014 at about 07.00 PM, when the deceased under the influence of alcohol, quarrelled with the accused, Ganesan, who is the brother of the deceased and his son Raja secluded them and the accused told that if his brother indulge in quarrel in this way, she would kill him and as Ganesan and Raja shouted, the deceased went out of home to consume liquor again. Thereafter, at 02.00 PM, the deceased returned back home and again quarrelled with the accused. Hence, the accused with an intention to kill him took R.S.pathy rolling log and assaulted on his head and her husband died on the spot and thereafter, she wrapped his body with saree and dragged with stone on his waist and hid the same in pit on the backside of house and informed the incident to Village Administrative Officer on 11.05.2014 at 09.00 AM. Thereby, the accused has committed the offences under Sections 302 and 201 IPC.

4. The learned counsel for the petitioner/accused would submit that it is a case of circumstantial evidence. Even as per the prosecution, the deceased, who is the husband of the petitioner, is alleged to have continuously tortured her under the influence of alcohol and he had also attempted to kill her, which is stated to be cause for committing the offence. He would further submit that the petitioner was on bail during trial and she has not misused the liberty granted to her. The petitioner is in



custody from the date of conviction, hence, he seeks for indulgence of this Court.

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5. The learned Additional Public Prosecutor appearing for the respondent would submit that the deceased is the husband of the accused. Since the deceased had frequently quarrelled with the accused under the influence of alcohol, the accused planned to do away with the deceased and assaulted him on his head and committed the murder of the deceased. The Trial Court had rightly appreciated the evidence placed on record and convicted the accused. Hence, he would object for grant of suspension of sentence.

6. Heard the learned counsels on both sides and perused the materials available on record.

7. Having gone through the records, it is seen that even as per the prosecution, the deceased is said to have harassed the accused under the influence of alcohol and also attempted to kill her. 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 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 alone imposed on the petitioner/accused is



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suspended, subject to the following conditions:

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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 learned Judicial Magistrate No.I, Sivagangai.

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 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., until further orders.

sd/-
01/08/2024

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02/08/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LM

To

1.The Judicial Magistrate No.I,
Sivagangai.



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2. Do through the Chief Judicial Magistrate,
Sivagangai District.

3. The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai.

4. The Officer Incharge,
Special Prison for Women, Madurai.

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

ORDER
IN
CRL MP(MD) No.2135 of 2024
in
CRL A(MD) No.140 of 2024
Date :01/08/2024

ED/ /SAR- (02/08/2024) 6P / 6 C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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