



CrI.M.P.(MD) No.596 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MS.JUSTICE R.POORNIMA

CrI.M.P.(MD) No.596 of 2025
in
CrI.A.(MD) No.41 of 2025

Mariammal

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Munnerpallam Police Station,
Tirunelveli District.
(Crime No.86/2015)

... Respondent

PRAYER: Petition filed under Section 389(1) of the Criminal Procedure Code and under Section 430(1) BNSS, to grant an order of suspension of sentence imposed on the petitioner in S.C.No.690 of 2016 dated 22.11.2024 by the learned I-Additional District and Sessions Judge, Tirunelveli, pending disposal of the main criminal appeal.

For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.S.Ravi
Additional Public Prosecutor



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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 I-Additional District and Sessions Judge, Tirunelveli, vide Judgment dated 22.11.2024 in S.C.No.690 of 2016, he has filed this criminal miscellaneous petition.

2.The petitioner stand convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
Section 302 of I.P.C.	life imprisonment	Rs.1,000/- i/d to undergo six months simple imprisonment

3.The case of the prosecution is that the deceased Petchiammal was residing with her husband-PW1, daughters and son at Ambedkar street in Pookuzhi village. The 1st accused namely Perumal was residing at Ambedhkar street in Pookuzhi who is the father of the deceased Petchiammal. The 2nd accused is residing with her children in the same street. Her husband expired 2 years back. Later on, the 1st accused had illegal intimacy with the 2nd accused. It was often objected and quarrelled by the deceased Petchiammal with the both accused A1 and A2. Keeping



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this as a motive in the mind on 07.04.2015 at 10.30 pm, inside the house the 2nd accused, instigated the 1st accused by saying that at first he should close the chapter of his daughter who is a hurdle for their relationship and then only they could lead a happy life. On 08.04.2015 at 10.10 pm in front of the house of Lakshmi, opposite of the house of the deceased Petchiammal's house at Ambedhkar street in Pookuzhi, when the 1st accused was coming the deceased Petchiammal shouted and uttered that "you have a son in the stage of marriage, but, you have a concubine". On hearing this, the 1st accused intentionally murdered his daughter namely, Petchiammal by cutting with sickle and causing injuries in middle of the left side neck, in middle of back of left forearm and in lower aspect of front of left forearm of the deceased Pechiammal and she died on the scene of occurrence.

4. Learned counsel appearing for the petitioner would submit that the allegation against the petitioner is that she is said to have instigated A1 to do away with his daughter. Other than the oral evidence of the witnesses stating that A1 had before inflicting the injuries on his daughter has stated that as per the instructions of Mariammal he killed his daughter, there is no other direct witnesses to say that the petitioner had instigated the first accused to commit the murder of his daughter. He would further submit that the presence of PW1 is also doubtful. He would also submit that the occurrence is said to have taken place in the year 2015 and the



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accused was on bail during trial and she has not misused the liberty granted to her and A1 in this case died during trial and the charge against him also abated. Apart from that, there are several arguable points 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.Learned Additional Public Prosecutor appearing for the respondent Police would submit that the incident had taken place at the instigation of the petitioner. The 1st accused had illegal intimacy with the 2nd accused and the same was often objected and quarrelled by the deceased Petchiammal with the both accused A1 and A2. Keeping this as a motive in the mind on 07.04.2015, A1 attacked the deceased using sickle and caused injuries due to which she died, thereby, he would object for grant of bail to the petitioner.

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

7.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.

8. Accordingly, the criminal miscellaneous petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner herein is



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suspended, subject to the following conditions:

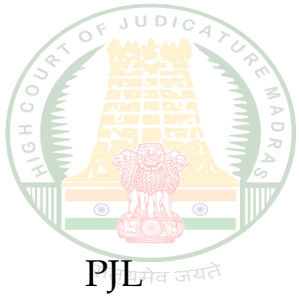
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- i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned I-Additional District and Sessions Judge, Tirunelveli.
- 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 passbook to ensure their identity.
- iii. The petitioner shall report before the trial Court at 10.30 a.m., on the first working day of every month, until further orders.
- iv. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

sd/-
19/08/2025

/ TRUE COPY /

22/08/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

- 1 The I-Additional District and Sessions Judge,
Tirunelveli,
- 2 The Superintendent,
Special Prison(Women), Madurai.
- 3 The Inspector of Police,
Munnerpallam Police Station,
Tirunelveli District.
- 4 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-9011[I] dated 21/08/2025)

ORDER
IN
Crl.M.P.(MD) No.596 of 2025
in
Crl.A.(MD) No.41 of 2025
Date :19/08/2025

AS/22.08.2025/6P/6C

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