



CRL MP(MD)No.8634 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 27.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRL MP(MD)No.8634 of 2023

in

CRL A(MD)No.452 of 2023

Muthupandi

... Petitioner

Vs

State represented by
the Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.

... Respondent

Prayer: Petition filed under Section 389(1) of CrPC to suspend the sentence imposed on the petitioner by the judgment dated 21.09.2022 in Sessions Case No.133 of 2017 on the file of the Fast Track Mahila Court, Virudhunagar at Srivilliputhur and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.C.Senthil Murugan
For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl Side)

ORDER

The petitioner / sole accused in SC.No.133 of 2017 on the file of the Fast Track Mahila Court, Virudhunagar @ Srivilliputhur was found guilty, convicted and sentenced to undergo 3 years rigorous imprisonment with a fine of Rs.3,000/-, in default, to undergo 3 months rigorous imprisonment for the offence under Section 307 of IPC. As against the conviction, the petitioner has filed an appeal in CrlA(MD) No.452 of 2023 and it has been admitted by this Court. Along with the appeal, the



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petitioner has filed this petition to suspend the sentence.

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2.This application filed on 15.06.2023 is kept pending for more than 1 ½ years and the petitioner has not prosecuted the same for all these days.

3. The learned counsel for the petitioner submits that the main case of the prosecution is that the petitioner in an inebriated condition assaulted the victim and caused injury to her. Even according to PW1, this petitioner was suffering with epilepsy and he was taking treatment. A person, who is suffering with epilepsy and taking continuous treatment, cannot consume liquor. Therefore the trial Court has failed to consider this part of the evidence of PW1. He further submits that the petitioner is in jail from 21.09.2022 and therefore, prayed that the sentence of the petitioner may be suspended pending this criminal appeal.

4.The learned Government Advocate (Crl Side) appearing for the respondent submits that the victim is wife of the petitioner. The petitioner was in the habit of harassing his wife. Therefore his wife by consuming poison had attempted to commit suicide and she was rescued. On the occurrence day, this petitioner insisted, the victim to have physical relationship with him. When she refused, this petitioner attacked her on her private part with a knife. The learned of Government Advocate by referring the evidence of the Doctor and the wound certificate submits that the prosecution has proved its case that the victim girl was attacked by the petitioner



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with a knife. He also pointed that the marriage between this petitioner and the victim is a love marriage. According to him since this Court was not inclined to suspend the sentence, the petitioner is seeking adjournments repeatedly.

5.This Court has considered the rival submissions made and perused the materials placed on record.

6.The victim is the wife of the petitioner. Their marriage is a love marriage. The petitioner went to the extent of inflicting injuries with a knife on the private part of his wife, for having refused to have physical relationship with him. Considering the materials available, this Court is not inclined to suspend the sentence pending the appeal. Accordingly, this petition is dismissed. Since this Court has rejected the petition to suspend the sentence, the Registry is directed to prepare the typed set of papers and list the main appeal for final hearing.

sd/-
27/02/2025

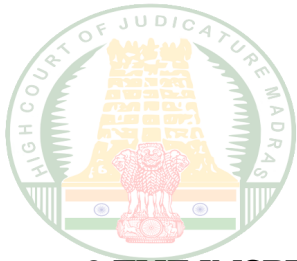
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/03/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK

TO

1 THE JUDGE, FAST TRACK MAHILA COURT,
VIRUDHUNAGAR @ SRIVILLIPUTHUR.



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2 THE INSPECTOR OF POLICE, THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

ORDER
IN
CRL MP(MD)No.8634 of 2023
in
CRL A(MD)No.452 of 2023
Date :27/02/2025

RS/VR/SAR-(26.03.2025) 4P 5C
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