



CRL.MP(MD)No.12199 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 23.07.2025

CORAM:

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

CRL.MP(MD)No.12199 of 2024
in
CRL.A(MD)No.990 of 2024

S.Malathi

... Petitioner

vs.

State rep by
The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.
Crime No.236 of 2023

... Respondent

PRAYER: Petition filed under Section 430(2) of BNSS, to suspend the sentence of imprisonment imposed in S.C.No.261 of 2023 dated 23.10.2024 on the file of the 1st Additional District Sessions Court, Trichirappalli and enlarge the petitioner on bail.

For Petitioner : Mr.P.Samuel Gunasingh
For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

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Seeking to suspend the sentence imposed on the petitioner/A2 by the learned I Additional District Sessions Judge, Trichirappalli, vide order dated 23.10.2024 in S.C.No.261 of 2023, she has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
302 r/w 34 IPC	To undergo Life imprisonment	Rs.1000/-, in default to undergo three months simple imprisonment.
294(b) IPC	To undergo 3 months Simple Imprisonment	-
The sentences shall run concurrently.		

3. The case of the prosecution is that Subramani and Thangapandi were neighbours and they are having 6 acres of common land. The deceased Thangapandi had cut the Karuvelam trees in the said common land and sold it. When Subramani asked his share in the sale amount, Thangapandi assured to give it at the time of sale of his land. On 18.05.2023 at 06.00 p.m., Subramani/A1 along with his wife Malathi/A2 armed with sickle asked the deceased Thangapandi to pay



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his share amount, but the deceased refused to pay the same. At the instigation of
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A2, A1 cut the deceased Thangapandi and he died.

4. The learned counsel for the petitioner would submit that the petitioner is the wife of A1 and she has been charged and convicted for offences under Sections 302 r/w 34 and 294(b) IPC. Though three persons said to have witnessed the occurrence, they have not spoken about the petitioner's sharing any common intention with her husband/ A1 and further she has not touched the deceased. PW1 to PW3 are interested witnesses and PW4 who is an independent witness, has not supported the case of the prosecution. The learned trial Judge has not taken into consideration the delay in registering the case.

5. The learned Additional Public Prosecutor for the respondent – Police would submit that the petitioner is wife of A1 and she has instigated A1 to commit murder and hence he would object for grant of suspension of sentence.

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



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7. Taking into consideration the facts and circumstances of the case and also the charge levelled against the petitioner/A2 that she is said to have instigated her husband/A1 to commit murder, 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 imposed on the petitioner herein alone is suspended pending the Appeal, subject to the following conditions:

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 Sessions Judge, Trichirappalli.

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.



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iii. The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m., until further orders.

sd/-

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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 & Sessions Judge,
Trichirappalli.

2. The Officer Incharge,
Special Prison for Women
Trichy.

3. The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.

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



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+1 CC to M/s.P.SAMUEL GUNASINGH, Advocate (SR-7979[I] dated 24/07/2025)

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ORDER

IN

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Date :23/07/2025

PS/SAR.24.07.2025 6P/6C

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