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CRL MP No. 17342 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

CORAM

THE HON'BLE DR.JUSTICE ANITA SUMANTH

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL MP No. 17342 of 2024

in

CRL A NO. 1529 OF 2024

Geetha

W/o.Muniyappan, Mel Andihalli Village,
Naikenkottai Post, Dharmapuri District.

..Petitioner(s)

Vs

State Represented By

The Inspector Of Police, Krishnapuram Police
Station, Dharmapuri District. (cr.No.4/2020)

..Respondent(s)

Petition filed under Section 389(1) of CrPC read with 430 (1) of BNSS to suspend the sentence imposed by the Learned Additional District and Session Judge, Dharmapuri in S.C.No.84/2022 dated 07.11.2024 and enlarge the petitioner on bail.

For Petitioner(s):

Mr.M.Selvam

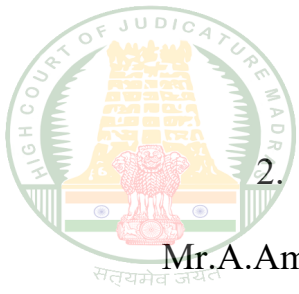
For Respondent(s):

Mr.A.Amarnath,
Counsel For Government Of Tamil Nadu
(Criminal Side)

ORDER

(Made by Dr.Anita Sumanth J.)

This is a petition seeking suspension of sentence imposed by an order dated 07.11.2024 in SC No. 84 of 2002.



2. We have heard Mr.M.Selvam, learned counsel for petitioner and Mr.A.Amarnath, learned Counsel for Government of Tamil Nadu (Criminal Side) for the respondents.

3. The brief facts are that the petitioner was alleged to have pushed her husband, on account of which he died. The incident took place on 4.3.2020.

4. The case of the prosecution is that there were frequent quarrels between the petitioner and the deceased. The deceased was an alcoholic and the two used to fight frequently as he used to demand money for alcohol. On the date of the incident, the deceased had returned to his home around 3.00 pm. along with their daughters.

5. The next date i.e., 05.03.2020, the deceased was found dead. PW1, who saw him with blood injuries, thereafter informed his family members and the mother of the deceased i.e., mother-in-law of petitioner, was the complainant before the police. The prosecution examined 15 witnesses, and marked 26 exhibits and 8 material objects. Mr.Amarnath, relies on the evidence of PW4 and the extra judicial confession of the petitioner to the Village Administrative Officer, who was marked as PW8.

6. The petitioner, for his part, would submit that no evidence is available to support the conviction by the trial Court. In fact, there are contradictory versions of the evidence of PW4, who is the nephew of the deceased. In any event, his version that there were blood stains injury on the neck of the deceased is not borne out by the post-mortem report, which does not contain any such



incriminating observation. That apart, the post-mortem which does not indicate any injury on the neck and only speaks about the laceration present over the chin.

7. On the side of defence, there were neither exhibits nor witness. On the basis of rival contentions that were adduced, the trial Judge accepted the case of the prosecution and it is as against order dated 07.11.2024, that the present petition has been filed.

8. We have heard both learned counsel and perused the material papers.

9. As rightly pointed out by learned counsel for petitioner, the deposition of PW4 does contain, in the chief examination, a statement to the effect that he saw his aunt, the petitioner with her foot on the neck of the deceased. However, in the cross-examination, the defence has been in a position to elicit that he was not a direct witness to the incident but had only been told the aforesaid version by Lakshana, his sister. Incidentally, Lakshana/PW2 has turned hostile, which throws a cloud on the evidence of PW4.

10. That apart, PW8, the so-called confession before the Village Administrative Officer, is only a report that has been furnished by the Village Administrative Officer to the police based on the confession allegedly made by the petitioner herself. In light of the discussion as above and finding a prima facie case is made out in favour of the petitioner, we are of the view that this petition is liable to be allowed. It is also for the reason that the petitioner has three children and are in need of her attention and support and the bail being of



the year 2024 is not likely to be taken up immediately.

11. For the above reasons, this Criminal Miscellaneous Petition stands allowed and the sentence of imprisonment imposed on petitioner is suspended on the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- with two sureties each, of whom, one should be a blood relative, for a like sum to the satisfaction of the learned Additional District and Sessions Judge, Dharmapuri.

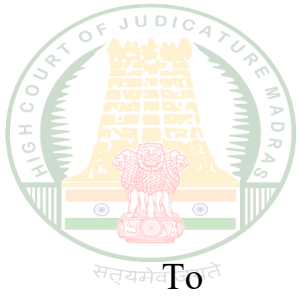
(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar Card or Bank Pass Book and mobile number to ensure their identity;

(iii) The petitioner shall appear before the trial Court on the first working day of every week at 10.30 a.m, until the disposal of the appeal and if she is not able to appear before the trial Court on any day, she shall make arrangements to file an applications under Section 317 Cr.P.C and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

(A.S.M.,J.) (S.M.,J.)
29-06-2026

Index: Yes/No
Speaking order
Neutral Citation: Yes
ssm

Note to Registry : Issue Today



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1. The Inspector Of Police,
Krishnapuram Police Station,
Dharmapuri District.
2. The learned Additional District and Session
Judge, Dharmapuri.
3. The Central Prison, Special Women Prison,
Coimbatore.
4. The Public Prosecutor, High Court, Madras.



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AND
SUNDER MOHAN, J.

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