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CRL MP(MD)



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

Tuesday, the Thirtieth day of August Two Thousand and Twenty Two  
PRESENT

**The Hon`ble Mr.Justice P.N.PRAKASH**  
and

**The Hon`ble Mrs.Justice R.HEMALATHA**

CRL MP(MD) No.2269 of 2022

IN

CRL A(MD) No.42 of 2022

CHANDRASEKAR

... PETITIONER/APPELLANT

**Vs**

STATE REP.BY  
THE INSPECTOR OF POLICE  
SOMARASAMPETTAI POLICE STATION,  
TRICHY DISTRICT.  
(CRIME NO.432/2017).

... RESPONDENT/RESPONDENT

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 imposed by the learned Sessions Judge - Mahila Court, Trichy made in SC No.101/2018 dt.03/12/2021 pending disposal of the above Criminal Appeal.

**Prayer in CRL A(MD).42 of 2022 :**

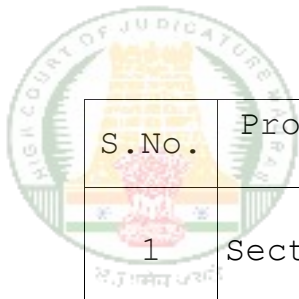
To call for records and set aside the judgment set aside the judgment of conviction and sentence imposed by the learned Sessions Judge Mahila Court, Trichy made in S.C.No.101 of 2018 dated 03.12.2021 and allow the above criminal appeal.

**Order :** This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.B.JAMEEL ARASU, Advocate for the petitioner and of MR.S.RAVI, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

**(Order of the Court was made by P.N.PRAKASH,J.)**

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 03.12.2021 passed in S.C.No.101 of 2018 on the file of the Sessions Judge, Mahila Court, Trichy, and to enlarge the petitioner on bail pending disposal of the above appeal.

2.The petitioner, who was the sole accused in S.C.No.101 of 2018 before the Sessions Judge, Mahila Court, was convicted and sentenced as follows on 13.12.2021:



S.No.	Provision under which convicted	Sentence
1	Section 498 (A) IPC	Two years simple imprisonment and fine of Rs.1,000/-, in default to undergo two months simple imprisonment
2	Section 302 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo six months simple imprisonment.

3.Challenging the aforesaid conviction and sentence, the petitioner has filed Crl.A.No.42 of 2022 along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

4.Heard Mr.B.Jameelarasu, learned counsel for the petitioner and Mr.S.Ravi, learned Additional Public Prosecutor appearing for the respondent/State.

5.It is the case of the prosecution that the accused assaulted his wife with a mason scale, which resulted in her death on 13.12.2017. The children of the deceased, who were examined as prosecution witnesses appears to have stated that their parents were only quarrelling and had not stated anything about the actual assault.

6.The petitioner has raised substantial grounds in the appeal, which require detailed appraisal. Moreover, the petitioner has been in incarceration from 03.12.2021. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7.Accordingly, this criminal miscellaneous petition stands allowed and the sentence of imprisonment is suspended and bail is granted to the petitioner on the following conditions:

- (I) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Additional Mahila Judicial Magistrate Court, Trichy;
- (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 pass Book to ensure their identity; and



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22

(iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application 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.

sd/-  
30/08/2022

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02/09/2022

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

- 1 THE SESSIONS JUDGE, MAHILA COURT, TRICHY.
- 2 THE ADDITIONAL MAHILA JUDICIAL MAGISTRATE, TRICHY.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 4 THE INSPECTOR OF POLICE, SOMARASAMPETTAI POLICE STATION, TRICHY DISTRICT.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL MP(MD) No.2269 of 2022  
IN  
CRL A(MD) No.42 of 2022  
Date :30/08/2022

RR  
RS/JM/SAR.1 (02.09.2022) 3P-7C