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Crl.M.P.No.12204 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2026

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl. M.P. No. 12204 of 2026

in

Crl. A. No. 844 of 2026

Jayashankar

... Petitioner

Vs.

The State rep., by,
The Inspector of Police,
Vadapalani All Women Police Station,
Chennai District.
(Crime No. 02 of 2020)

... Respondent

To suspend the sentence imposed in judgment by the Court of Magalir Neethimandram, Fast Track Mahila Court, Thiruvallur in S.C.No.31 of 2022 dated 25.06.2026 and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr. P. Muthamizh Selvakumar

For Respondent : Ms. Sharada Vivek,
Government Advocate (Crl.Side)



ORDER

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The petitioner was convicted by the trial Court in S.C.No.31 of 2022 by judgment dated 25.06.2026 and sentenced to undergo rigorous imprisonment for three years and to pay fine of Rs.500/-, in default simple imprisonment for two months for the offence under Section 498A IPC. The petitioner was further sentenced to undergo rigorous imprisonment for ten years and to pay a fine of Rs.5,000/-, in default, one year simple imprisonment for the offence under Section 307 IPC. It was further ordered that both the sentences shall run concurrently. Aggrieved by the said judgment of conviction and sentence, the present petition has been filed.

2. The contention of the petitioner is that PW1, the victim, is the wife of the petitioner. On 17.07.2020, while the petitioner was heating coconut oil, gingelly oil and other oil in a pan, PW1 questioned him. Enraged by the same, the petitioner scolded her, stating that she questioned him about everything despite not bringing sufficient dowry articles and thereafter poured the hot oil on her forehead. PW3, the uncle of the petitioner, immediately took her to Apollo Hospital, Vanagaram, where PW7 treated her as an outpatient. Initially, it was found that she had sustained 5% burn



injuries and later Ex.P6 gave a report that she had sustained 10% burn injuries. It is the contention of the petitioner that, in the absence of any evidence to show that the injuries sustained would cause death, the trial Court ought not to have convicted him for the offence under Section 307 IPC.

3. The learned Government Advocate (Crl.Side) opposed the petitioner's contention and submitted that, in this case, the petitioner demanded dowry from the defacto complainant / PW.1. Due to the strained relationship between them, he deliberately heated oil and poured it on her forehead. Had PW3 not immediately rushed her to hospital, where PW7 provided medical treatment, her life could not have been saved. The act of pouring hot oil on the victim and the burn injuries sustained by her have been confirmed through the evidence of PW1, PW3 and PW7. Therefore, the trial Court, on the evidence of the witnesses had rightly convicted the petitioner.

4. Considering the submissions and on perusal of the materials, it is not in dispute that the petitioner and victim / PW1 are husband and wife and

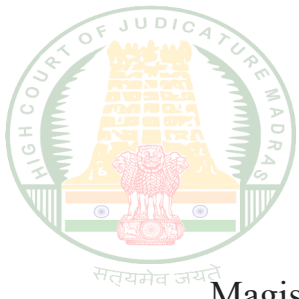


residing under the same roof. On the date of occurrence, the petitioner heated oil and when questioned by the victim, poured the same on her head.

PW7, the doctor, has deposed that the victim had initially sustained 5% burn injuries and was treated as an outpatient. Subsequently, Ex.P6 recorded burn injuries as 10%. PW1 treated as outpatient. In such circumstances, this Court is of the view that the conviction of the petitioner under Section 307 IPC requires reconsideration.

9. In view of the above, this Court is of the considered view that the conviction of the petitioner requires reconsideration and that the appeal raises arguable points requiring consideration. Therefore, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

10. Accordingly, the substantive sentence of imprisonment imposed on the petitioner is suspended till the disposal of the appeal and he is ordered to be enlarged on bail, on condition that he shall execute a bond for a sum of Rs.5,000/- (Rupees Five thousand only) with two sureties, each for a like sum to the satisfaction of the trial Court.



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11. On breach of any of the aforesaid conditions, the learned Judicial

Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala* [(2005)AIR SCW 5560];

12. Further, the petitioner shall appear before the Trial Court once in three months at 10.30 a.m. on the first working day of the month, until the disposal of the appeal and if he is not able to appear before the Trial Court on that 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.

13. Accordingly, this Criminal Miscellaneous Petition is ordered.

28.07.2026

Neutral Citation: Yes/No
AT

Note: Issue order copy on 29.07.2026



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M.NIRMAL KUMAR, J.

AT

To

1.The Court of Magalir Neethimandram, Fast Track Mahila Court,
Thiruvallur.

2.The Inspector of Police,
Vadapalani All Women Police Station,
Chennai District.

3.The Superintendent,
Central Prison,
Puzhal.

4.The Public Prosecutor,
High Court of Madras.

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