

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Tenth day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL MISCELLANEOUS PETITION No.3691 of 2017

IN CRL RC.399/2017

1 SANKAR @ ARUMUGAM
2 VENKATESAN

[PETITIONERS]

Vs

THE STATE REP.BY
STATION HOUSE OFFICER
ALL WOMEN POLICE STATION,
CUDDALORE DISTRICT

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No.399/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence ordered in the judgment made in CA.No.3/2014 dt.11/09/2014 passed by Sessions Court, Cuddalore confirming the judgment of conviction dt.20/12/2013 passed by Judicial Magistrate, Additional Mahila Court, Cuddalore made in CC.No.22/2013.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.399/2017 on the file of the High Court and upon hearing the arguments of MR.M/S.B.JAWAHAR Advocate for the petitioner and of MR.R.RAVICHANDRAN Government Advocate[crl.side] on behalf of the Respondent the court made the following order:-

Petitioner was convicted for an offence under Section 4 of Dowry Prohibition Act and sentenced to undergo simple imprisonment for one year and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for three months, by learned Judicial Magistrate, Additional Mahila Court, Cuddalore under judgment dated 20.12.2013 in C.C.No.22 of 2013. Challenging the same, the petitioner preferred an appeal in C.A.No.3 of 2014 on the file of learned Principal Sessions Judge, Cuddalore and the lower appellate court confirmed the conviction, under judgment dated 11.09.2014. Against the conviction and sentence, the present revision has been filed and the petitioner has also filed a petition in Crl.M.P.No.3691 of 2017 to suspend the sentence.

2.Heard Mr.B.Jawahar, learned counsel for the petitioner and Mr.R.Ravichandran, learned Government Advocate(Crl. side) appearing for the respondent.

3. Learned counsel for the petitioner submitted that there is a marriage proposal between the petitioner / accused and de-facto complainant. Subsequently, the petitioner came to know that the de-facto complainant already got married. Hence, the proposal was dropped. Under the circumstances, the complaint has been given and taken on file. The Trial Court after appreciating the evidence convicted the accused under Section 4 of Dowry Prohibition Act and sentenced to jail.

4. I have considered the submissions made and perused the materials available on record and I find some arguable points in the revision. In the above circumstances, I am inclined to suspend the substantive sentence alone. Accordingly, pending appeal, sentence of imprisonment alone is suspended and the petitioner is released on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Additional Mahila Court, Cuddalore, with further condition that he shall appear before the said court on the first working day of every month at 10.30 a.m., until further orders.

-sd/-
10/03/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT,
CUDDALORE

2 THE SESSIONS COURT
CUDDALORE

3 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE[FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE STATE REP.BY
STATION HOUSE OFFICER
ALL WOMEN POLICE STATION,
CUDDALORE

6 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

+1 C.C. to M/S.B.JAWAHAR Advocate on payment of necessary
charges SR.NO. 4601

Order

in
CRL MP.3691/2017

in
CRL RC.399/2017

Date :10/03/2017

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RD 10/03/2017