



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

Friday, the Third day of November Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP(MD) Nos.3056 and 3057 of 2017

IN

CRL RC(MD) No.319 of 2017

1 SENTHILKUMAR
2 MANI
3 PONNUTHAI

... PETITIONERS / PETITIONERS
IN BOTH THE PETITIONS

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KUJILIYAMPARI POLICE STATION,
DINDIGUL DISTRICT.
CR.NO.132 OF 2005.

... RESPONDENT / RESPONDENT
IN BOTH THE PETITIONS

PRAYER IN CRL MP(MD)No.3056/17:-

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to **SUSPEND THE SENTENCE** imposed on the Revision petitioners made in C.A.No.24/2011 dated 02/03/2017 by the Learned Additional District Sessions Judge, Dindigul by confirming the judgement made in S.C.No.23/2007 dated 08/07/2011 passed by the Learned Additional Assistant Sessions Judge, Dindigul and enlarge the them on **BAIL** pending disposal of the main Crl.R.C.

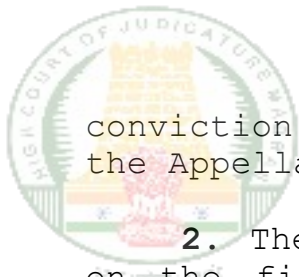
Prayer in CRL MP(MD). 3057/ 2017 :

To **EXEMPT THE PETITIONERS FROM SURRENDER** before the court below upon the judgement passed Learned Additional District Sessions Judge, Dindigul in C.A.No.24/2011 dated 02/03/2017 by confirming the judgement made in S.C.No.23/2007 dated 08/07/2011 passed by the Learned Additional Assistant Sessions Judge, Dindigul and enlarge the them on bail pending disposal of the main Crl.R.C.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.N.SATHISH BABU, Advocate for the petitioners and of Mr.T.MOHAN, Additional Public Prosecutor for the respondents the court made the following order:-

<https://hcservices.ecourts.gov.in/hcservices/>

The petitioners challenge the legality and propriety of the



conviction and sentence recorded by the Trial Court as well as by the Appellate Court.

2. The revision petitioners are accused in S.C.No.23 of 2007, on the file of the learned Additional Assistant Sessions Judge, Dindigul.

3. In the said Court, the petitioners have been convicted and sentenced as under:

Conviction	Sentence
Section 498(A) of IPC.,	Each 3 Years R.I., + Each Fine of Rs.1000/-, i/d., 1 Month S.I.
Section 304(b) of IPC., (in respect of A1)	7 Years R.I.,

4. The fine amount imposed upon A1 to A3 by the trial Court has been paid.

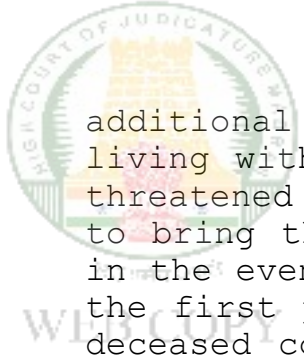
5. The learned Additional District Sessions Judge, Dindigul confirmed the conviction and sentence and thereby, dismissed the Criminal Appeal No.24 of 2011.

6. The learned counsel appearing for the petitioners submitted that out of 21 witnesses examined by the prosecution, P.Ws.5, 6, 7, 13 to 17 turned hostile during their cross-examination; that there are material contradictions between FIR and the charge sheet and none of the witnesses has spoken about the demand of dowry and P.W.1 was not present on the date of occurrence and he was no chance of involvement in the said occurrence and that the deceased had a secret marriage with a person, who had worked with the deceased in a Textile Mill and they were separated at the intervention of her parents prior to the marriage of the deceased with A1 and due to the said mental agony, the deceased committed suicide and hence, the petitioners are having *prima facie* case of acquittal in this revision.

7. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the deceased is the wife of A1. A2 & A3 are in-laws of the deceased and parents of A1; that the Trial Court as well as the Appellate Court have rightly convicted and appropriately punished the revision petitioners. There is no *prima facie* case in favour of the petitioners.

8. I have anxiously considered the rival submissions, perused the averments in the bail petition, impugned Judgment and the relevant evidence on record.

9. The marriage between the deceased and the first petitioner was held on 28.06.2004. The case of the prosecution is that the petitioners used to torture and harass the deceased demanding



additional "Seervarisai" and a Motor bike, while the deceased was living with the petitioners and on the date of occurrence also, A1 threatened the deceased and sent out her from the matrimonial house to bring the motor bike from her parents and the deceased returned in the evening from her parents house without getting said bike and the first petitioner tortured the deceased and because of that the deceased committed suicide by self immolation at about 10.30 p.m., on 13.05.2005 and the deceased died within 7 years from the date of marriage because of the dowry demand of the petitioners herein and also by A1 soon before the death of the deceased.

10. It is stated in the evidence of prosecution that A1 had driven out the deceased to her parents house demanding motor bike on 13.05.2005 and the deceased came to her matrimonial house at about 6.00 p.m., on 13.05.2005 and the deceased committed suicide at about 10.00 p.m., by self immolation. It is admitted that A1 was not present in his house while the deceased returned from the parents house and also A1 was not present during occurrence / committing suicide by the deceased. In such circumstances, the counsel for the petitioners would submit that there is no material to conclude that the suicide death of the deceased as dowry death as mentioned in Section 304(B) IPC., He would further submit that there are several contradictions in respect of demand of dowry by the accused either deceased and her parents and also dowry harassment and is no sufficient materials to show the demand of dowry soon before the deceased. The RDO report, which is relied by the Courts below, is not marked through the proper witness, since the author of the report is not available. Hence, the petitioners are having *prima facie* case during pendency of the Revision.

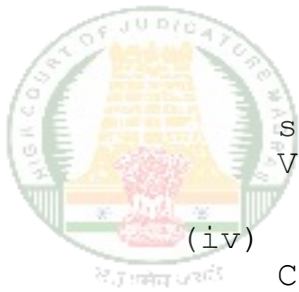
11. Perusing the impugned judgments and the materials on record, I am of the view that certain eminently arguable points are involved in this criminal revision. They are required to be examined in detail in the main criminal revision. It will take some time for the disposal of this criminal revision. I see *prima facie* case. I am inclined to grant revision bail to the petitioners. Petitioners filed Cr.M.P.(MD)No.3057 of 2017 to exempt the petitioners from surrender before the Court below and above petition was dismissed against A1 as withdrawn, since A1 was arrested on 21.04.2017 and is ordered against other petitioners / A2 and A3.

12. In view of the foregoing, ordered as under:

(i) Revision bail granted.

(ii) Sentence of imprisonment ordered by the Trial Court as confirmed by the Appellate Court alone is suspended.

(iii) There shall be two sureties, and each petitioners shall execute a bond for Rs.15,000/- (Rupees fifteen thousand only) each to the



satisfaction of the learned Judicial Magistrate,
Vedasandur.

(iv) The petitioners shall appear before the said
Court on the first working day of every English
Calender month at 10.30 a.m., until further
orders.

sd/-
03/11/2017

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

TO

- 1 THE JUDICIAL MAGISTRATE,
VEDASANDUR
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL
- 3 THE ADDITIONAL DISTRICT SESSIONS JUDGE,
DINDIGUL
- 4 THE ADDITIONAL ASSISTANT SESSIONS JUDGE,
DINDIGUL
- 5 THE INSPECTOR OF POLICE,
KUJILIYAMPARI POLICE STATION, DINDIGUL
DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+2. C.C. to M/S.N.SATHISH BABU Advocate SR.Nos.33767, 33779

JAM/03/11.17/PM-PN/SAR 1/ 4P-9C

ORDER
IN
CRL MP (MD) Nos.3056 and 3057 of 2017
IN
CRL RC (MD) No.319 of 2017
Date :03/11/2017