

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

CRIMINAL MISCELLANEOUS PETITION No.11409 of 2017

IN CRL A.579/2017

PANDIAN, [PETITIONER]

Vs

STATE REP. BY [RESPONDENT]
THE DEPUTY SUPERINTENDENT OF POLICE,
SETHIYATHOOPU INNER CIRCLE,
KILLAI POLICE STATION,
CUDDALORE DISTRICT.
(CRIME NO.113 OF 2009).

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.579/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence enlarge the petitioner on bail by suspending the sentence imposed in S.C.No.327/2010 dt.04.04.2016 on the file of Sessions Judge Mahila Court, Cuddalore pending disposal of C.A.No.579/2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.579/2017 on the file of the High Court and upon hearing the arguments of M/S.K.KANNAN, Advocate for the petitioner and of MR.M.V. ARUL, Additional Public Prosecutor, on behalf of the Respondent the court made the following order:-

Petitioner, the sole accused, faced trial in SC.No.327/2010 on the file of learned Sessions Judge, Mahila Court Cuddalore. Trial Court, under judgment dated 04.04.2016, convicted the petitioner for the commission of the offences u/s.498-A IPC and 304[B] IPC and sentenced to undergo 1 year rigorous imprisonment and to pay a fine of Rs.500/- with a default sentence of 3 months rigorous imprisonment for the offence u/s.498[A] IPC and to undergo 10 years rigorous imprisonment for the offence u/s.304[B] IPC. The sentences were ordered to run concurrently.

Challenging the conviction and sentence, the petitioner has preferred the above appeal and this miscellaneous petition has been filed seeking suspension of sentence, pending appeal.

2 The case of the prosecution is that on 10.08.2009, the victim - wife of the petitioner/accused/appellant herein committed suicide by self-immolation on account of dowry harassment.

3 Learned counsel for petitioner would submit that there are several infirmities and inconsistencies in the prosecution case. Learned counsel further informs that the case has been falsely foisted against the petitioner/accused. Learned counsel, among other grounds, would submit that as per the evidence of P.W.3-Ganesan, the victim/deceaseds action of resorting to self-immolation was on account of a wordy quarrel between the spouses, viz., the deceased and the petitioner herein and in all probability, driven by the anger of the moment and not on account of the alleged demand of dowry.

4 Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioner.

5 Taking into consideration the submissions of learned counsel for petitioner and that the criminal appeal is not likely to be taken up for final hearing in the near future and further considering the fact that the appellant/petitioner/accused is undergoing incarceration from 04.04.2016, this Court is of the view that petitioner herein may be granted the relief of suspension of sentence.

6 Accordingly, the substantive sentence of imprisonment alone is suspended and petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond in a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of learned Sessions Judge, Mahila Court, Cuddalore and on further condition that petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

03/01/2018

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 SESSIONS JUDGE
MAHILA COURT, CUDDALORE

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE REP. BY
THE DEPUTY SUPERINTENDENT OF POLICE,
SETHIYATHOOPU INNER CIRCLE, KILLAI POLICE
STATION, CUDDALORE DISTRICT.

+1 C.C. to M/S.K.KANNAN Advocate on payment of necessary
charges Sr.No.124

Order
in
CRL MP.11409/2017
in
CRL A.579/2017

Date :03/01/2018

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MD: 05/01/2018