

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.9652 of 2018

IN CRL A.226/2018

SATHISHKUMAR

[PETITIONER / APPELLANT
ACCUSED]

Vs

STATE: REP. BY

[RESPONDENT]

THE ASSISTANT COMMISSIONER OF POLICE,
WASHERMANPET RANGE,
H-6, RADHAKRISHNAN NAGAR POLICE STATION,
CHENNAI-600 021.
CR. NO. 56 OF 2014.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.226/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence to undergo 2 years simple imprisonment for alleged offence under Sec. 498A IPC and imposed a fine of Rs.5,000/- each in default to under further period of 6 months simple imprisonment and further 7 years simple imprisonment for alleged offence under Sec.304A IPC in S.C.30 of 2015 passed by the Honble Sessions Judge, Mahila Court (Magaliar Neethimandram), Chennai dated 02-03-2018, enlarge on bail till disposal of the above Crl.Appeal No.226 of 2018. [IN CRL.MP.NO.9652 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.226/2018 on the file of the High Court and upon hearing the arguments of M/S.K.KANNAN, Advocate for the petitioner and of MR. KRITIKA KAMAL P, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

The first accused was convicted for the offences under Section 304-B & 498-A I.P.C, is the petitioner in Crl.M.P.No.9652 of 2018, is convicted to undergo 2 years S.I and to pay a fine of Rs.5,000/- each in default to undergo further period of 6 months S.I for the alleged offence under Section 498-A I.P.C and further to undergo 7 years Simple Imprisonment for alleged offence under Section 304-B I.P.C passed by the learned Sessions Judge, Mahila Court, Mahalir Neethimandram, Chennai, dated 02.03.2018.

2. The Appellant A2/Govindammal, mother of the first accused is already granted bail and sentence was suspended for the offences under Section 498-A and 304-B I.P.C in CrI.M.P.No.5533 of 2018 dated 17.04.2018.

3. The learned counsel for the petitioner/appellant is contended that the essential features of Section 113-B of Evidence Act, soon before her death were not satisfied and he also drew my attention to Ex.P.1, the complaint given by the mother of the deceased. It is contended that it is an accidental fire and further stated that the demand for dowry was not proved in the manner known to law.

4. Per contra, the learned Public Prosecutor could draw the attention to Ex.P.2, the statement given before the RDO immediately after the incident and also in chief and cross examination of PW.1, the mother of the accused, with regard to demand of dowry, consistently made by the accused, which made the victim restlessness and forced her to commit suicide by self immolation.

5. After going through the records and also taking note of the prosecution witnesses PW.3, PW.4 and PW.5 out of which PW.4 and PW.5 were not cross examined by the defence and also taking note of the findings given by the trial Court and I am not inclined to grant suspension of sentence for the present with liberty to move the application in future. Therefore, this **Criminal Miscellaneous Petition is dismissed.**

-sd/-

07/08/2018

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 (MAGALIR NEETHIMANDRAM),
CHENNAI.

2 THE ASSISTANT COMMISSIONER OF POLICE,
WASHERMANPET RANGE,
H-6, RADHAKRISHNAN NAGAR POLICE STATION,
CHENNAI-600 021.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.K.KANNAN Advocate on payment of necessary
charges SR NO.14610

Order

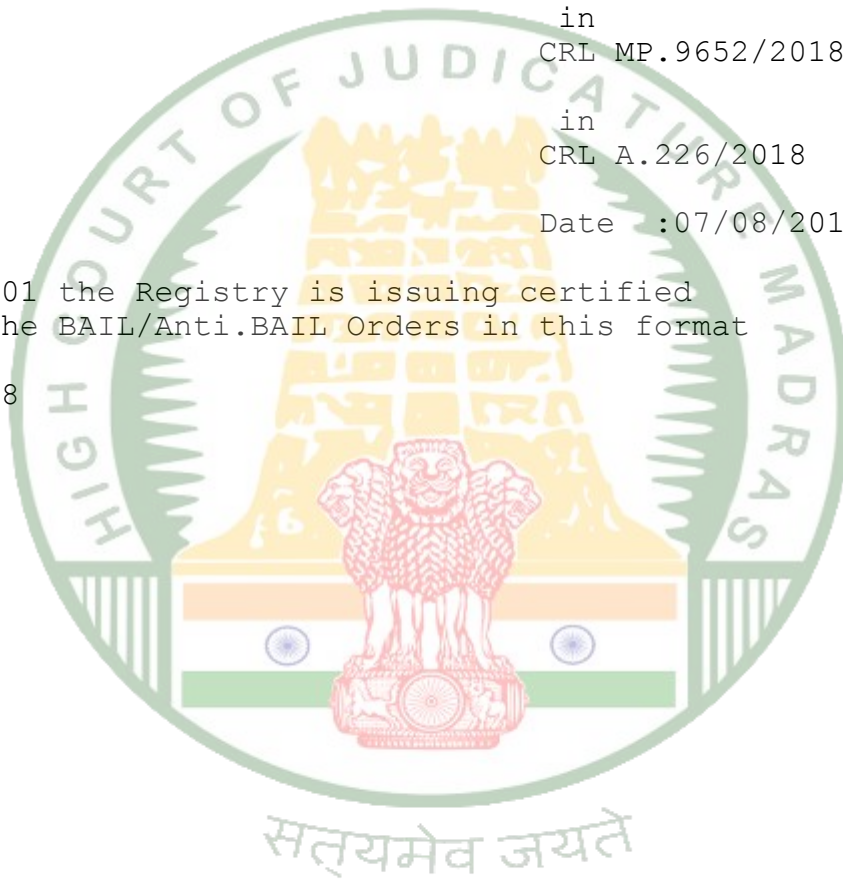
in
CRL MP.9652/2018

in
CRL A.226/2018

Date :07/08/2018

From 7.2.2001 the Registry is issuing certified
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MK:09/08/2018



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