



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

Wednesday, the Eleventh day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP (MD) No.2172 of 2018
IN
CRL A (MD) No.136 of 2018

1 MUTHUKRISHNAN
2 CHINNATHAMBI
3 MUTHULAKSHMI
4 LAKSHMI

... PETITIONERS/APPELLANTS

Vs

THE STATE REP.BY,
THE DEPUTY SUPERINTENDENT OF POLICE,
PONNAMARAVATHI, (KARAIYUR POLICE STATION,
CRIME NO.3 OF 2016)
PUDUKKOTTAI DISTRICT.

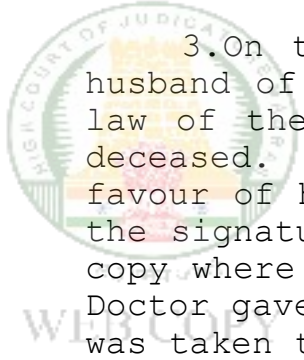
... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the Sentence of Imprisonment imposed by the learned Sessions Judge, Mahila Neethimandram, Pudukkottai in S.C.No.126 of 2016 by the Judgment dated 17.03.2018 and enlarge the Petitioners/Appellants on bail, pending disposal of the above said Criminal Appeal and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.D.RAMESHKUMAR, Advocate for the petitioners and of MR.K.SUYAMBULINGA BHARATHI, Government Advocate (Crl.side) on behalf of the Respondent the court made the following order:-

Heard Mr.D.Rameshkumar, learned counsel for the petitioners and Mr.K.Sumbulinga Bharathi, learned Government Advocate (Crl.Side) appearing for the respondent.

2.It is seen that the petitioners have been convicted by the learned Sessions Judge, Pudukkottai, in S.C.No.126 of 2016 for the offence under Section 498-A of IPC and sentenced to undergo two years Rigorous Imprisonment each and to pay a fine of Rs. 1,000/- (Rupees Thousand only) each in default to undergo six months Rigorous Imprisonment and convicted for the offence under Section 304-B of IPC and sentenced to undergo ten years Rigorous Imprisonment.



3. On the side of the petitioner, it is stated that A1 is the husband of the deceased. A2 and A3 are Father in law and Mother in law of the deceased respectively. A4 is the Sister in law of the deceased. It is stated that the deceased left a suicide note in favour of her husband and that the brother of the deceased admitted the signature of the deceased. It is further stated that in the AIR copy where the deceased first took treatment was not marked and the Doctor gave the first treatment was not examined. Again the deceased was taken to the hospital at Pudukkottai and AIR Copy was not marked and that Doctor also was not examined. He has further stated that all the family members are in custody. The fourth petitioner is having two female daughters and there is no one to take care of her children and prayed for suspension of sentence.

4. On the side of the respondent, it is stated that the occurrence is in the house of the accused and the accused has tortured the victim. Initially, the case was registered for the offence under Section 174 Cr.P.C. After enquiry was made by the R.D.O., the case was altered under Section 498-A, 304-B of IPC. It is further submitted that the Sub-Collector was already examined as P.W.14. The independent witness deposed regarding the harassment made by the petitioners. P.W.3 admitted only the signature of the deceased in the suicide note. But, he has denied the contents of the suicide note. The evidence of the Doctor corroborated the evidence of the forensic report and the victim is only 24 years old and married only for the past two years. Due to the torture of the petitioners, she died.

5. A detailed counter was also filed on the side of the respondent.

6. Records perused. Considering the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioners and also considering the fact that the fourth petitioner is having two school going female children, without going into the merits of the case, the substantive sentence of the imprisonment alone is suspended and the fourth petitioner alone is ordered to be released on interim bail, on her executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Thirumayam and on further condition that:

- (i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (ii) the fourth petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal and if he is not able to appear before the Trial Court on any 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.

7. The petitioners 1 to 3 are in custody only from 17.03.2018, and as such petition against the petitioners 1 to 3 is dismissed.

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sd/-
11/04/2018

/ TRUE COPY /

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

TO

- 1 THE SESSIONS JUDGE,
MAHILA NEETHIMANDRAM, PUDUKKOTTAI.
- 2 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, THIRUMAYAM.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 4 THE DEPUTY SUPERINTENDENT OF POLICE,
PONNAMARAVATHI, (KARAIYUR POLICE STATION),
PUDUKKOTTAI DISTRICT.
- 5 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI
- 6 THE OFFICE INCHARGER,
SPECIAL PRISON FOR WOMEN, TIRUCHIRAPPALLI
- 7 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.D.RAMESHKUMAR Advocate SR.No.5932

ORDER
IN
CRL MP(MD) No.2172 of 2018
IN
CRL A(MD) No.136 of 2018
Date :11/04/2018

MKV-CM-VR-VK/12.4.2018/3P-9C