



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

Thursday, the Nineteenth day of July Two Thousand Eighteen

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.5607 of 2018

IN

CRL RC(MD) No.390 of 2018

1 DURAISAMY
2 VELATCHI
3 PANNEERSELVI
4 ARUMUGASAMY

... PETITIONERS / PETITIONERS

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARUR,
CRIME NO.26/2015

... 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 imposed on the petitioners vide Judgement dated 20/04/2018 made in Crl.A.No.144/2017 on the file of the Learned Principal Sessions Judge, Karur Modifying the conviction and sentence imposed by the Learned Judicial Magistrate No.I, Karur in C.C.No.142/2016 dated 04/10/2017 till the disposal of the above 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.J.LAWRANCE, Advocate for the petitioners and of Mr.SUYAMBULINGA BHARATHI Govt. Advocate (Crl. Side) on behalf of the Respondents the court made the following order:-

Heard Mr.J.Lawrance, learned counsel appearing for the petitioner and Mr.K.Suyambylinga Bharathi, learned Government advocate (Crl.Side) appearing for the respondent.

2.The petition has been filed to suspend the sentence imposed in judgment dated 20.04.2018 made in Crl.A.No.144 of 2017 on the file of the learned Principal Sessions Judge, Karur, modifying the conviction and sentence imposed by the learned Judicial Magistrate No.I, Karur in C.C.No.142 of 2016, dated 04.10.2017 till the disposal of the revision.

3.The petitioners were convicted and sentenced to undergo Simple Imprisonment for six months and to pay a fine of Rs.1,000/- each in default to undergo Simple Imprisonment for one month for



the offences under Sections 498 (A) of I.P.C.

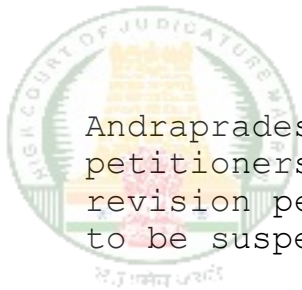
4. The case against the petitioners is that the first petitioner is the father in law of the defacto complainant, the second petitioner is the mother in law of the defacto complainant, the third petitioner is the sister in law of the defacto complainant and the fourth petitioner is the husband of the third petitioner. The defacto complainant has lodged a complaint against her husband and the petitioners on the grounds of cruelty and demand of dowry. The trial court has found that the petitioners and the husband of the defacto complainant guilty under Sections 498 and 506(i) of I.P.C and under Section 498 (A) of I.P.C, the Magistrate imposed one year Simple Imprisonment with the fine amount of Rs.1,000/- each in default three months Simple Imprisonment and under Section 506(i) of I.P.C., the trial court sentenced to undergo six months Simple Imprisonment.

5. On appeal by the petitioners, the learned Principal Sessions Judge, Karur in CrI.A.No.142 of 2016 modified the sentence and found them the petitioners guilty under Section 498 (A) of I.P.C and sentenced to undergo one year Simple Imprisonment and to pay a fine of Rs.1,000/- in default to undergo three months Simple Imprisonment. Against the order of the conviction, the petitioners filed the revision before this Court and filed this petition to suspend the sentence till the disposal of the Criminal Revision Petition.

6. On the side of the petitioners, it is stated that the marriage between the defacto complainant and her husband was solemnized in the year 2004 and out of the wed-lock they had two children. One of the two children died due to drowning, it was due to the carelessness of the defacto complainant and she left her matrimonial house. Later when the another child was in the school, she forcibly take away the child and the husband filed the complaint against the wife. Thereafter, the defacto complainant lodged false complaint with this motive and it is stated that the first and second petitioners are aged persons, third and fourth petitioners are living in Andrapradesh and they are no way involved in the matrimonial affairs of the defacto complainant and her husband.

7. On the side of the respondent, it is stated that the prosecution has examined 7 witnesses and marked 5 documents and the defacto complainant and her husband both are also responsible to take care of the children and the husband cannot blame his wife alone for carelessness. After the death of the male child, it was the husband, who left the house and he got another marriage and this petition is objected.

8. Records perused. It is a matrimonial dispute. On the side of the petitioner it is stated that there are arguable points in the revision. It is stated that the first and second petitioners are aged persons, third and fourth petitioners are residing in



Andrapradesh and they have nothing to do with the offence. The petitioners herein are entitled to put forth their case in this revision petition. It is reasonable that the suspension of sentence to be suspended till then.

9. This Court is inclined to grant suspension of sentence till the disposal of the revision, on their 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 Judicial Magistrate No.I., Karur 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 petitioners 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 they are not able to appear before the Trial Court on any day, they 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 their absence, as directed by the Trial Court.

10. Post this main appeal after four weeks.

sd/-

19/07/2018

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Sub-Assistant Registrar (C.S.)

TO

1 THE PRINCIPAL SESSIONS JUDGE, KARUR

2 THE JUDICIAL MAGISTRATE NO.I, KARUR

3 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KARUR,

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. C.C. to M/S.J.LAWRANCE Advocate SR.No.13640

DAS

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Date :19/07/2018