



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

Friday, the Twentieth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

Crl.M.P. (MD) Nos.5657 and 5658 of 2018
in
Crl.RC. (MD) No.394 of 2018

KUPPUSAMY

... PETITIONER/ APPELLANT/ ACCUSED NO.1
IN BOTH THE PETITIONS

Vs

STATE REP.BY ITS:
THE INSPECTOR OF POLICE,
KARUR ALL WOMEN POLICE STATION,
KARUR DISTRICT.
CRIME NO.26/2015

... RESPONDENT/ RESPONDENT/ COMPLAINANT
IN BOTH THE PETITIONS

PRAYER IN CRL MP(MD)NO.5657/2018 IN CRL RC(MD)NO.394/2018:

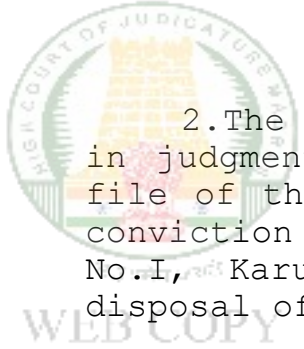
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed against the petitioner in C.A.No.140/2017 dated 20/04/2018 on the file of the Principal Sessions Judge, Karur modifying the order of conviction in C.C.No.142/2016 dated 04/10/2017 on the file of the Judicial Magistrate No.I. Karur and enlarge me on bail pending disposal of the above Crl.R.C.

Prayer in CRL MP(MD) . 5658/ 2018 IN CRL RC(MD)NO.394/2018:

To grant exemption to the petitioner from surrendering in C.A.No.140/2017 dated 20/04/2018 on the file of the Principal Sessions Judge, Karur modifying the order of conviction in C.C.No.142/2016 dated 04/10/2017 on the file of the Judicial Magistrate No.I. Karur and enlarge me on bail pending disposal of the above Crl.R.C.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.C.SUSIKUMAR, Advocate for the petitioner in both the petitions and of Mr.K.SUYAMBYLINGA BHARATHI, Government advocate (Crl.Side) on behalf of the Respondent in both the petitions, While admitting the CRL RC, the court made the following order:-

Heard Mr.S.Susikumar, 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 CrI.A.No.140 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 petitioner was convicted and sentenced to undergo Simple Imprisonment for six months and to pay a fine of Rs.1,000/- in default to undergo Simple Imprisonment for one month for the offences under Sections 498 (A) of I.P.C.

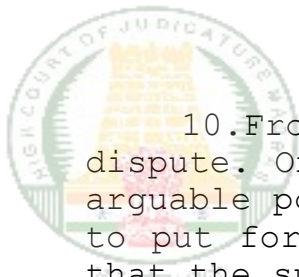
4.The petitioner is the husband of the defacto complainant. The defacto complainant has lodged a complaint against the petitioner and others on the grounds of cruelty and for demanding dowry. The trial court has found the petitioner and others guilty under Sections 498A and 506(i) of I.P.C. and under Section 498 (A) of I.P.C, the learned Magistrate imposed one year Simple Imprisonment with the fine amount of Rs.1,000/- in default to undergo three months Simple Imprisonment and under Section 506(i) of I.P.C., the trial court sentenced the petitioner and others to undergo six months Simple Imprisonment.

5.On appeals filed by the petitioner and others, the learned Principal Sessions Judge, Karur in CrI.A.No.140 and 142 of 2016 modified the sentence and found that the petitioner and others guilty under Section 498 (A) of I.P.C and sentenced them to undergo six months Simple Imprisonment and to pay a fine of Rs.1,000/- in default to undergo one month Simple Imprisonment.

6.Against the order of the conviction, the petitioner filed the revision before this Court and filed this petition to suspend the sentence till the disposal of the Criminal Revision Petition.

7.On the side of the petitioner, it is stated that the marriage between the defacto complainant and the petitioner was solemnized in the year 2004 and out of wed-lock they had two children. One of the two children died due to drowning and 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, he forcibly took away the child and the petitioner filed the complaint against the wife.

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



10. From the records, it is seen that it is a matrimonial dispute. On the side of the petitioner, it is stated that there are arguable points in the revision. The petitioner herein is entitled to put forth his case in this revision petition. It is reasonable that the suspension of sentence to be suspended till then.

WEB COPY

11. 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 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 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.
- (iii) The petitioner is not exempted from surrendering before the trial Court for the purpose of furnishing sureties.

12. Post this main Revision after four weeks.

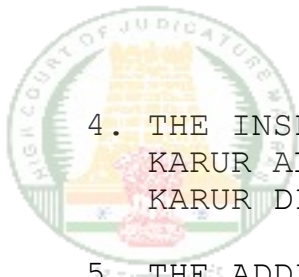
sd/-
20/07/2018

/ TRUE COPY /

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

TO

- 1. THE PRINCIPAL SESSIONS JUDGE, KARUR.
- 2. THE JUDICIAL MAGISTRATE NO.I, KARUR.
- 3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.



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

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

+1. C.C. to Mr.M.SUBASH BABU Advocate SR.No.13678

ORDER

IN

CRL MP (MD) No.5657 of 2018

IN

CRL RC (MD) No.394 of 2018

Date :20/07/2018

TK/MMS/SAR-2/30.07.2018/4P.7C