



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

Monday, the Twenty Sixth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL MP(MD) No.7862 of 2018

IN

CRL A(MD) No.442 of 2018

ARUMUGAM

... PETITIONER/APPELLANT

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
D2 SELLUR (LAW AND ORDER) POLICE STATION,
MADURAI CITY.
CRIME NO.221/2010

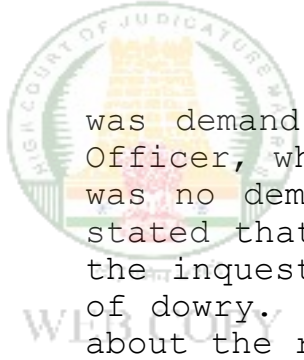
... RESPONDENT/RESPONDENT

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, Mahalir Neethimandram, (FAC), Madurai in S.C.No. 244 of 2011, by the judgment dated 12.09.2018 and enlarge the petitioner /accused on bail, pending disposal of above Criminal Appeal

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.S.DEENADHAYALAN, Advocate for the petitioner and of MR.R.ANANDHARAJ, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The learned counsel for the petitioner would submit that the petitioner is the husband of the deceased and he has been arrayed as A-1 in the case and tried along with his sister/A2 and convicted by the Court below.

2. The learned counsel for the petitioner would submit that the trial Court had erroneously convicted the petitioner without any legal evidence. He would further submit that the deceased was forcefully married to the petitioner against her wishes by her parents and she has committed suicide, whereas the prosecution has projected the case as if there was a demand of dowry before the death and thereby the charge sheet has been filed for two charges, namely, 302 and 304-B of IPC. He would also submit that there is absolutely no material to show that there was demand and P.Ws.1 and 2, who are the parents of the deceased, have not stated that there



was demand of dowry. Further, the evidence of Revenue Divisional Officer, who has been examined as P.W.12, would also show that there was no demand of dowry. During the cross examination, P.W.12 has stated that the panchayathar, who had been examined as witnesses to the inquest report, had not stated anything as if, there was demand of dowry. Further, the panchayathars have also not stated anything about the reason for the death of Murugeswari. The learned counsel further would also submit that the charge was framed under Sections 302 and 304-B IPC and thereby the petitioner was greatly prejudiced defend the charges whose ingredients are totally different. He would also submit that the co-accused and sister, who was tried along with the petitioner/accused, was convicted and she has filed CrI.A.(MD).No.442 of 2018, before this Court and this Court by an order dated 28.09.2018 in CrI.M.P.(MD).No.7745 of 2018 in CrI.A.(MD).No.442 of 2018 stating that the Court is not in a position to take up the Criminal Appeal immediately had granted suspension of sentence. He would also submit that the petitioner is similarly placed and he would submit that he was on bail during trial and he has not misused the liberty granted to him during the trial.

3.In the facts and circumstances of the case, the sentences imposed by the trial Court in S.C.No.244 of 2011, by judgement dated 12.09.2018, is hereby suspended and the petitioner is directed to be enlarged on bail subject to the following conditions:-

"(a)The Petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the trial Court with two sureties for a likesum.

(b)The petitioner shall report before the trial Court once in a month on the first working day until further orders."

sd/-
26/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
MADURAI.

2 DO THROUGH THE CHIEF
JUDICIAL MAGISTRATE, MADURAI.

3 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM, (FAC),
MADURAI



4 THE INSPECTOR OF POLICE
D2 SELLUR (LAW AND ORDER) POLICE STATION,
MADURAI CITY.

5 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. C.C. to M/S. S. DEENADHAYALAN Advocate SR.No. 22117

ORDER
IN
CRL MP (MD) No.7862 of 2018
IN
CRL A (MD) No.442 of 2018
Date :26/11/2018

JM/VR MMS/SAR 2/28.11.2018/3P/8C