

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL MISCELLANEOUS PETITION No.6440 of 2019

IN CRL A.256/2019

TAMILSELVAN

[APPELLANTS / ACCUSED]

Vs

THE STATE REP BY ITS, [RESPONDENT/COMPLAINANT]
THE DEPUTY SUPERINTENDENT OF POLICE,
VELUR SUB DIVIOIN,
JEDARPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.
CR.NO.202 OF 2015.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence made in S.C.No.47 of 2017 on the file of the Court of Sessions Fast Track Mahila Judge, Namakkal order dated 13.03.2019 and release the petitioners/Appellants/Accused on bail, pending disposal of the above Crl.A.No.256 of 2019.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.A.PADMANABAN, Advocate for the petitioner, and of MRS. M.PRABHAVATHI, Additional Public Prosecutor, on behalf of the Respondent, the court made the following order:-

This appeal has been filed against the judgment of the learned Court of Sessions (Fast Track Mahila) Judge, Namakkal, dated 13.03.2019, made in S.C.No.47 of 2017 wherein the petitioner was convicted and sentenced to undergo R.I. For 2 years for the offence punishable under Section 498(A) IPC and to pay a fine of Rs.1,000/- in default, further R.I. for 2 months and further convicted and sentenced to undergo R.I. for 7 years for offence under Section 306 IPC and to pay a fine of Rs.3,000/- in default, further R.I. for 6 months and the above sentences were ordered to run concurrently. Pending appeal, the petitioner has filed the above miscellaneous petition seeking suspension of substantive sentence of imprisonment.

2.The learned counsel for the petitioner submitted that the deposition of P.W.10, who is the RDO, who conducted the inquest, makes it clear that there was no dowry demand on the side of the petitioner and no one had suggested any cruelty on the part of the petitioner. The learned counsel further submitted that P.W.6, who is the Doctor, who conducted the post-mortem, had categorically stated that no external or internal injuries were found in the body of the deceased. The learned counsel further submitted that the Court below has entirely relied upon the deposition of P.W.2 and P.W.3, who are the parents of the deceased who have merely stated as to what was told to them by P.W.1. The learned counsel submitted that there are absolutely no materials to convict the petitioner for an offence under Section 306 of IPC.

3.The learned Additional Public Prosecutor submitted that the Court below has appreciated the entire evidence and has given elaborate reasons for convicting and sentencing the petitioner.

4.This Court carefully considered the submissions made on either side.

5.Considering the facts and circumstances of the case and in view of the fact that there are arguable points which require a consideration in the appeal and the appeal cannot be taken up for hearing in the near future, this Court is inclined to suspend the sentence imposed by the Court below.

6.The sentence imposed by the Court below vide Judgment made in SC No.47 of 2017, dated 13.03.2019, on the file of the learned Court of Sessions (Fast Track Mahila) Judge, Namakkal, is hereby suspended, and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Paramathy, and shall appear before the said learned Judicial Magistrate every week on Monday at 10.30 a.m. until further orders. The petitioner is directed to deposit the fine amount of Rs.4,000/- (Rupees Four Thousand only) to the credit of S.C.No.47 of 2017 on the file of the learned Court of Sessions (Fast Track Mahila) Judge, Namakkal.

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-sd/-
08/05/2019

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 COURT OF SESSIONS
(FAST TRACK MAHILA) JUDGE, NAMAKKAL.

2 THE JUDICIAL MAGISTRATE,
PARAMATHY.

3 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

4 THE DEPUTY SUPERINTENDENT OF POLICE,
VELUR SUB DIVIOIN,
JEDARPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

+1 C.C. to M/S.A.PADMANABAN Advocate on payment of necessary
charges SR.NO.9352

Order

in
CRL MP.6440/2019

in
CRL A.256/2019

Date :08/05/2019

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TA-10/05/2019

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