

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Friday, the Thirteenth day of September Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.11362 of 2019

IN CRL.A.NO.514 OF 2019

1 PALANISAMY  
2 AARAYEE  
3 EASWARAN

[ PETITIONERS ]

Vs

STATE BY  
THE INSPECTOR OF POLICE,  
JALAKANDAPURAM POLICE STATION,  
JALAKANDAPURAM,  
CRIME NO.557 OF 2014.

[ RESPONDENT ]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.514/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the Sessions and Mahila Court, Salem by its Judgment dated 18.03.2019 made in S.C.No.391 of 2016 and enlarge the petitioners on bail pending disposal of the above appeal. [CRL.A.NO.514/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.514/2019 on the file of the High Court and upon hearing the arguments of M/S. MARUDHACHALAMURTHY R Advocate for the petitioner and of MR.M.MOHAMED RIYAZ,ADDL.PUBLIC PROSECUTOR for[r-1] on behalf of the Respondent the court made the following order:-

The petitioners were convicted and sentenced by the Judgment of the learned Sessions and Mahila Court, Salem District in S.C.No.391 of 2016 dated 18.03.2019, as follows :-

| <b>Conviction</b> | <b>Sentence imposed</b>                                                                                                           |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| 498 IPC           | To undergo 3 years Rigorous imprisonment and to pay a fine of Rs.5,000/- in default, to undergo six months Simple Imprisonment.   |
| 306 IPC           | To undergo 10 years Rigorous imprisonment and to pay a fine of Rs.10,000/- in default, to undergo six months Simple Imprisonment. |

2.The learned counsel for the petitioners/appellants/Accused 2 to 4 would submit that the prosecution has failed to prove the case beyond all the reasonable doubts. The evidence of the witnesses are exaggerated one and that PW.1 has falsely projected as if the children of the deceased have informed him that the deceased was assaulted by the appellants/petitioners with sticks and thereafter, she was hanged. However, though the children of the deceased are stated to be the witnesses to the occurrence and they were not examined on the side of the prosecution.

3.Learned counsel for the petitioners/Accused 2 to 4 would further submit that the evidence of PW.1 is a hearsay and admittedly, even as per the evidence, there was a quarrel between the petitioners and the deceased in the evening on the same day. He would also submit that the evidence of witnesses are contrary to each other and the prosecution has failed to prove the necessary ingredients required for proving the offence under Section 306 of IPC and Section 498 A of IPC, since there is no evidence as regards to demand of dowry and that the victim had committed suicide on account of demand of dowry. He would also submit that there are other arguable points available in the appeal and further that the appeal is not likely to be taken up for final hearing in the near future. Hence, he prayed for suspending the substantial portion of the sentences alone pending disposal of the present Criminal Appeal.

4.The respondent has filed a counter stating that the Trial Court has rightly convicted the petitioners/Accused based on the evidence let in by the prosecution, which is also supported by the medical evidence.

5.Taking into consideration the submissions made by the learned counsels, the substantive sentence of imprisonment alone is suspended.

6.Accordingly, substantial sentence of imprisonment alone is suspended on condition that the petitioners execute a bond for a sum of Rs.10,000/- each with two sureties each for a like sum to the satisfaction of the Trial Court and on further condition that the petitioners shall report before the trial Court on the first working day of every English Calendar month at 10.30 a.m, until further orders.

-sd/-

13/09/2019

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 SESSIONS AND  
MAHILA COURT, SALEM DISTRICT

2 THE SUPERINTENDENT,  
CENTRAL PRISON, SALEM

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
JALAKANDAPURAM POLICE STATION,  
JALAKANDAPURAM,

+1 C.C. to M/S. MARUDHACHALAMURTHY R. Advocate on payment of  
necessary charges SR.NO. 19150

Order

in  
CRL MP.11362/2019

IN CRL.A.NO.514 OF 2019

Date :13/09/2019

From 7.2.2001 the Registry is issuing certified  
copies of the BAIL/Anti.BAIL Orders in this format  
RD 16/09/2019

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