

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Ninth day of September Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.12216 of 2019

IN CRL.R.C.NO.830 of 2019

SUMATHY

[PETITIONER/APELLANT/ACCUSED]

Vs

THE UNION TERRITORY OF PUDUCHERRY [RESPONDENT/COMPLAINANT]
REP BY THE STATION HOUSE OFFICER,
METTUPALAYAM POLICE STATION,
PUDUCHERRY.
(CR.NO.53/2013)

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

(i) To pass an order suspending the sentence of imprisonment inflicted upon in the petitioner herein in S.C.No.54/2014 vide the Judgment of conviction dated 08.09.2017 passed by the Principal Assistant Sessions, Puducherry which was confirmed by Judgment passed by the Learned II Additional Sessions Judge, Puducherry in Crl.A.No.29 of 2017 on 03.06.2019 and to enlarge the Petitioner on bail pending disposal of the accompanying Crl.R.C.No.830 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.G.PRABHAKARAN, Advocate for the petitioner, and of PUBLIC PROSECUTOR PUDUCHERRY, on behalf of the Respondent, the court made the following order:-

1.This Criminal Miscellaneous Petition has been filed, seeking suspension of sentence of imprisonment, inflicted on the Petitioner/ accused in SC.No.54 of 2014, by judgement dated 08.09.2017, by the Trial Court, viz. Principal Assistant Sessions Judge, Pondicherry, as confirmed by the judgement, dated 3.5.2019, made in Crl.A.No.29 of 2017, by the lower appellate court, namely, II Additional Sessions Judge, Pondicherry, pending the Criminal Revision Case.

2.This court heard the learned counsel on either side and also perused the materials placed on record.

3. The facts of case, in a nutshell, that the Petitioner/ accused visited the house of the deceased, who is her daughter in law, on 14.07.2013 and abused and scolded her and unable to bear the same, the deceased had committed suicide by self immolating herself and the deceased, who has been hospitalised, immediately died on 15.07.2015 and hence, the Petitioner/ accused was charge sheeted for the offence under Section 306 of IPC. The Trial Court had found the Petitioner/ accused guilty for the offence under Section 306 of IPC and convicted and sentenced her to undergo seven years Rigorous Imprisonment and to pay a fine of Rs.1,000/-, in default to undergo Simple Imprisonment for three months. The judgement of conviction and sentence of the Trial Court was confirmed by the lower appellate court in the appeal. Hence, this Criminal Revision Case has been filed, along with the above Criminal Miscellaneous Petition, seeking suspension of sentence.
4. The learned counsel for the Petitioner/ accused would submit that the Trial Court erred in convicting the Petitioner/ accused for the offence under Section 306 of IPC, without any materials satisfying the essential ingredients of Section 306 of IPC and that admittedly, it was a love marriage between the son of the Petitioner and the deceased and that they were living separately and that even taking into consideration the averments in the dying declaration, they will not make out necessary ingredients for abetting the deceased to commit suicide and that there is no evidence on record to show that the Petitioner/ accused abetted the deceased to commit suicide. He would further submit that there are arguable points available in the Criminal Revision Case and that the Criminal Revision Case is not likely to be taken for final hearing in the near future and that the Petitioner has got a fair chance of succeeding in the Criminal Revision Case and would pray that the substantive sentence imposed against the Petitioner/ accused may be suspended.
5. The learned Additional Public Prosecutor would vehemently oppose for granting suspension of sentence, contending that both the courts below have concurrently found the Petitioner/ accused guilty and convicted accordingly.
6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, the substantive sentence of imprisonment imposed on the Petitioner/ accused alone is hereby suspended, till the disposal of the Criminal Revision Cases and the Petitioner/ accused is hereby ordered to be enlarged on bail on the following conditions :-
- The Petitioner/ accused shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only), with two sureties, each for a like sum to the satisfaction of the Principal Assistant Sessions Judge, Pondicherry.

The Petitioner//accused shall report before the Trial Court concerned, on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-
09/09/2019

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 PRINCIPAL ASSISTANT
SESSIONS, PUDUCHERRY.

2 THE II ADDITIONAL SESSIONS JUDGE,
PUDUCHERRY.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUDUCHERRY.

4 THE STATION HOUSE OFFICER,
METTUPALAYAM POLICE STATION,
PUDUCHERRY.

5 THE PUBLIC PROSECUTOR
PUDUCHERRY.

+1 C.C. to M/S.G.PRABHAKARAN Advocate on payment of necessary
charges SR.NO.18896

Order

in
CRL MP.12216/2019
in
CRL.R.C.NO.830/2019

Date :09/09/2019

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

TA-12/09/2019