

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Ninth day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.15603 & 15604 of 2019

IN CRL. Appeal No.739 of 2019

VALLI

[PETITIONER]

Vs

STATE BY THE INSPECTOR OF POLICE
OMALUR POLICE STATION,
SALEM,
CRIME NO.43/2014.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.739/2019 on the file of the High Court, the High Court will be pleased to

[I]suspend the sentence imposed in SC.No.302/2016 by the Session Judge, Mahila Court, Salem dated 17.10.2019 release the petitioner on bail pending disposal of the above Crl.A.2019.[CRL.MP.NO.15603 & 15604/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.739/2019 on the file of the High Court and upon hearing the arguments of M/S.S.SWAMIDOSS MANOKARAN Advocate for the petitioner and of MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner, who was arrayed as second accused, faced trial in S.C.No.302 of 2016 on the file of learned Sessions Judge, Mahila Court, Salem. Under judgment dated 17.10.2019, the trial court convicted and sentenced the petitioner / second accused of the offences as tabulated hereunder:-

Convicted of the Offence	Sentenced
Under Section 498 (A) IPC	to undergo three years Rigorous Imprisonment and to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment for six months.

Convicted of the Offence	Sentenced
Under Section 304(B) IPC	to undergo Rigorous Imprisonment for seven years and to pay a fine of Rs.50,000/- in default to undergo Simple Imprisonment for two years.
Under Section 4 of the Dowry Prohibition Act	to Undergo one year Rigorous Imprisonment and to pay a fine of Rs.5,000/- in default to undergo Simple Imprisonment for three months.

2. The sentences were ordered to run concurrently. As against the said conviction and sentence, the petitioner / appellant / A-2 has filed the Criminal Appeal. Pending the appeal, the petitioner has filed the above petitions seeking suspension of sentence and suspension of sentence of total fine amount of Rs.65,000/-.

3. It is submitted by the learned counsel for the petitioner / second accused that the amount of fine, as directed by the trial Court in its judgment, had already been paid on 04.12.2019. He has also produced proof for payment of the fine amount.

4. It is the specific case of the learned counsel for the petitioner that A-1/husband and A-3/father-in-law were acquitted from the case and only the present petitioner, A-2, who is the mother-in-law of the deceased, was convicted and sentenced. He further submitted that there are several infirmities and inconsistencies in the prosecution case and there are also contradictions in material particulars in the evidence of the prosecution. He also submitted that there are arguable points available in the Appeal, which is not likely to be taken up for final hearing in the near future and hence, the substantive sentence imposed against the petitioner may be suspended.

5. Heard learned Additional Public Prosecutor on the submissions made by the learned counsel for petitioner.

6. Considering the facts and circumstances of the case and taking into consideration the submissions of learned counsel for both sides, this Court is of the view that the petitioner herein may be granted the relief of suspension of sentence. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner herein / A-2 is directed to be enlarged on bail on the following conditions:-

a)The Petitioner/second accused is directed to execute 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 Sessions Judge, Mahila Court, Salem;

b)The Petitioner/ second accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the learned Sessions Judge may obtain a

copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

c)The Petitioner/ second accused shall appear before the Trial Court at 10.30 a.m. on the first working day of every English Calender Month, until the disposal of the Criminal Appeal and if she is not able to appear before the Trial Court on any day, due to unavoidable circumstances, she shall make arrangements to file an application under Section 317 of Cr.PC. and shall appear before the Trial Court on any other day in lieu of her absence, as directed by the Trial Court. Such an application shall not be entertained often.

7.In view of the fact that the fine amount, as directed by the trial Court in its judgment, had already been paid by the petitioner on 04.12.2019, CrI.M.P.No.15604 of 2019 seeking to suspend the sentence of the total fine amount by the petitioner, is dismissed.

-sd/-

09/12/2019

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 JUDGE,
MAHILA COURT, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE BY THE INSPECTOR OF POLICE,
OMALUR POLICE STATION,
SALEM,

5 THE SUPERINTENDENT
THE SPECIAL PEISON FOR WOMEN,
COIMBATORE

WEB COPY

+1 C.C. to M/S. S.SWAMIDOSSMANOKARAN Advocate on payment of necessary charges SR.NO. 25302

Order

in
CRL MP.15603 & 15604/2019

IN CRL. Appeal No.739 of 2019

Date :09/12/2019

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format
RD 13/12/2019



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