



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

Monday, the Ninth day of March Two Thousand Twenty

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH
and
The Hon`ble Mr Justice B.PUGALENDHI

Crl.M.P(MD)Nos.2034 and 2037 of 2020
in
Crl.A(MD)Nos.111 and 112 of 2020

1 M.RABIYA BEGUM
2 M.JENIFFER FATHIMA

...APPELLANT/
ACCUSED NOS.2,4
IN CRL MP(MD)No.2034/2020
in CRL A(MD)No.111 of 2020

M.RIYAZ AHMAD

... APPELLANTS/ ACCUSED NO.3
IN CRL MP(MD)No.203/2020
in CRL A(MD)No.112 of 2020

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THENKARAI POLICE STATION,
THENI DISTRICT, THENI.
(CRIME NO.430/2014)

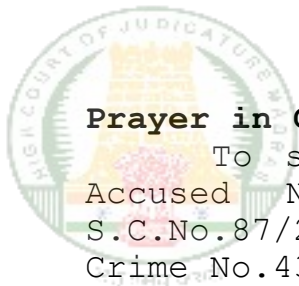
... RESPONDENT/ COMPLAINANT
IN CRL MP(MD)No.2034/2020
in CRL A(MD)No.111 of 2020

STATE OF TAMIL NADU
REP.BY
THENKARAI POLICE STATION,
THENI DISTRICT, THENI.
(CRIME NO.430/2014)

... RESPONDENT/ COMPLAINANT
IN CRL MP(MD)No.2037/2020
in CRL A(MD)No.112 of 2020

PRAYER IN CRL MP(MD)No.2034/2020 in CRL A(MD)No.111 of 2020:

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence and grant bail to the Appellant / Accused Nos. 2 an 4 against the judgment dated 17.02.2020 in S.C.No.87/2016 on the file of the Mahila Fast Track Court, Theni in Crime No.430/2014 on the file of the Respondent Police.



Prayer in CRL MP(MD). 2037/ 2020 in CRL A(MD)No.112 of 2020:

To suspend the sentence and grant bail to the Appellant / Accused Nos. 3 against the judgment dated 17.02.2020 in S.C.No.87/2016 on the file of the Mahila Fast Track Court, Theni in Crime No.430/2014 on the file of the Respondent Police.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.T.LAJAPATHI ROY, Advocate for the petitioners in both the petitions and of Mr.R.ANANDHARAJ, Additional Public Prosecutor on behalf of the Respondent in both the petitions, the court made the following order:-

(Order of the Court was made by **P.N.PRAKASH, J**)

The petitioners have been convicted and sentenced by judgment dated 17.02.2020 in S.C.No.87 of 2016 by the Mahila Fast Track Court, Theni, challenging which, the petitioners have come with these appeals. Pending appeals, they seek suspension of the substantive sentence of imprisonment.

2. We have heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the respondent and we have also perused the records carefully.

3. It is the case of the prosecution that the deceased got married to the first accused on 26.10.2014 and after marriage, she lived in her natal home for a day and thereafter, went to her matrimonial home and lived with her husband and in-laws for two days. On 30.10.2014, the first accused dropped the deceased in her natal home and on the same night, the deceased committed suicide by hanging. On these facts, A-1 to A-4 were prosecuted in S.C.No.87 of 2016 and were convicted and sentenced as follows:

Accused	Section of Law	Sentence of imprisonment
Nos.2 to 4 [petitioners herein]	304B IPC	To undergo rigorous imprisonment for 10 years.

Challenging the conviction and sentence, the present appeals have been filed by A-2 to A-4.

4. On a reading of the Trial Court judgment, it is seen that the deceased was found with more than ten injuries all over the body, mostly, in her private parts and P.W.1, the brother of the deceased, in his evidence, has stated that his sister told him that she was being tortured by A-1 in the night hours and was being sexually harassed. As regards the petitioners herein, except the assertion of P.W.1 that they were able to give only 13-1/2 sovereigns of gold and that they promised to give balance 6-1/2



sovereigns in six months, despite which, the family members had harassed the deceased, there are no other materials. Hence, this Court is of the view that interest of justice will be sub-served, if suspension of substantive sentence is granted to the petitioners herein.

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5. Accordingly, these petitions are allowed and the substantive sentence of imprisonment imposed on the petitioners alone is suspended, subject to the following conditions:

i. The petitioners are directed to be enlarged on bail on each of them executing a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the Mahila Fast Track Court, Theni District.

ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass book to ensure their identity.

iii. The petitioners shall appear before the Mahila Fast Track Court, Theni, at 10.30 a.m. on the first working day of every English Calendar month until disposal of the appeals.

iv. On any particular date, if the petitioners are not able to appear, leave is granted to the petitioners to file an application under Section 317 Cr.P.C. and appear before the Trial Court on any other day, as determined by the Trial Court, in lieu of the day on which they would absent.

sd/-

09/03/2020

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/ /2020

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

TO

1. THE JUDGE, MAHILA FAST TRACK COURT, THENI.
 2. THE INSPECTOR OF POLICE
THENKARAI POLICE STATION, THENI DISTRICT, THENI.
 3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 4. THE SUPERINTENDENT, CENTRAL PRISON (WOMEN), MADURAI.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +4. C.C. to M/S.T.LAJAPATHI ROY Advocate SR.Nos.4979,4989

ORDER IN

CrI.M.P(MD)Nos.2034 and 2037 of 2020
in

CrI.A(MD)Nos.111 and 112 of 2020

Date :09/03/2020

<https://hdcvjce1necour.gov.in/hdcvjce1necour/3.2020/3P.10C>