



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

Wednesday, the Second day of September Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.4258 of 2020
IN
CRL A(MD) No.170 of 2020

PALANI

... PETITIONER/APPELLANT (A1)

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
RAILWAY POLICE STATION,
RAMESWARAM,
RAMANATHAPURAM DISTRICT.
CRIME NO.62/2013

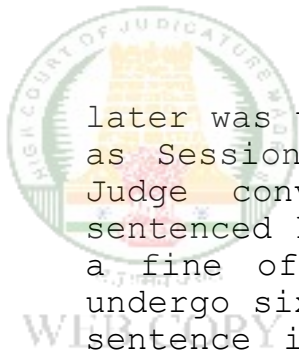
... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed on the Petitioner /Appellant (A1) in S.C.No.46 of 2016 on the file of the Learned Additional Sessions Judge, (In charge), Fast track Mahila Court, Ramanathapuram dated 10.03.2020 and enlarge them on bail pending disposal of the instant criminal appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.N.ANANTHAPADMANABHAN, Advocate for M/S.APN LAW ASSOCIATES, Advocate for the petitioner and of Mrs.M.ANANTHA DEVI Government Advocate (Crl. Side) on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Additional Sessions Judge(in charge), Fast Track Mahila Court, Ramanathapuram, in S.C.No.46 of 2016 dated 10.03.2020, till the disposal of the appeal.

2.The case against the petitioner is that the petitioner and his parents harassed the deceased Rekka and insisted her to commit suicide along with her two female children by falling in front of the running train. The case in Crime No.62 of 2013 under Section 302 of IPC was registered against the petitioner and his parents by the Rameswaram Railway Police. The case was taken on file by the learned



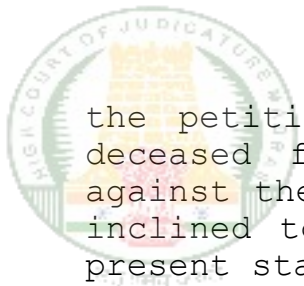
later was transferred to the file of the Sub Court and taken on file as Sessions Case no.46 of 2016. The learned Additional Sessions Judge convicted the petitioner under Section 306 of IPC and sentenced him to undergo ten years rigorous imprisonment and to pay a fine of Rs.5,000/- (Rupees Five Thousand only) in default to undergo six months rigorous imprisonment. Against the conviction and sentence imposed by the trial Court, the petitioner has filed a criminal appeal and along with the appeal, he filed this petition for suspension of sentence.

3.On the side of the petitioner, it is stated that in the evidence of P.W.1 clearly reveals that there was some harassment by the parents of the petitioner and that there is no allegation against the petitioner. It is further stated that even in the evidence of P.W.2, there was no allegation against the husband/petitioner. Both P.W.1 and P.W.2 deposed that they were under impression that the deceased had gone to her husband's house. This reveals that there was no strain relationship between the petitioner and his wife. The evidence of RDO reveals that there was no dowry harassment. The RDO has deposed that the deceased did not talk anything to her mother, on the date of incident. Only due to poverty, the deceased approached the house of her parents for getting help to meet out day to day expenses. There was no dowry harassment and there is no allegation against the petitioner. There are much more points for arguments in the main appeal and prayed the sentence petition to be suspended.

4.On the side of the prosecution, it is stated that the prosecution has examined 20 witnesses and marked 22 documents. No witness was examined on the side of the defence. Only after full fledged trial and after careful consideration of medical reports, the trial Court has rightly concluded that the prosecution has proved the case beyond all reasonable doubts. Since the case was not registered under Section 304 of IPC, there is no necessity to prove dowry harassment. The deceased was under serious depression that leads her to commit suicide with her two female children. The offence is under Section 306 of IPC and the petitioner and his parents are responsible for the death of three persons.

5.It is further stated that the evidence of P.W.1 and P.W.2 clearly reveals that the petitioner is an alcoholic addict and the deceased was very depressed due to his activities. The petitioner is the main cause and even in the earlier petition filed by the parents of the petitioner, the representation was that " even if the entire case of the prosecution is true, the liability has to fall on Al/Palani". The learned Government Advocate (Crl. Side) has raised serious objections to the petition.

6.It is seen that the petitioner is in custody for the past 5 months. The wife of the petitioner committed suicide along with her children. The allegation against the petitioner is that



the petitioner is an alcoholic addict and he used to harass the deceased for giving birth to two female children. The offence against the petitioner is grave in nature. Hence, this Court is not inclined to grant suspension of sentence to the petitioner at the present stage.

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7. In the above circumstances, this petition is dismissed.

sd/-
02/09/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

1. THE ADDITIONAL SESSIONS JUDGE (IN CHARGE),
FAST TRACK MAHILA COURT,
RAMANATHAPURAM.
2. THE INSPECTOR OF POLICE,
RAILWAY POLICE STATION,
RAMESWARAM, RAMANATHAPURAM DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.4258 of 2020
IN
CRL A(MD) No.170 of 2020
Date : 02/09/2020

MRN
TK/PN/SAR.3/04.09.2020/3P/5C