

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirtieth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL MISCELLANEOUS PETITION No.5471 of 2021

IN CRL A.209/2021

RAMALINGAM

[PETITIONER/APPELLANT/ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE DEPUTY SUPERINTENDENT OF POLICE,
PERUR SUB DIVISION,
COIMBATORE DISTRICT
PERUR,
ALL WOMEN POLICE STATION.
CR.NO.3/2016

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

(i) To enlarge the petitioner on bail by suspending the sentence of imprisonment imposed by the Sessions Judge, Magalir Court (Mahila Court), Coimbatore in S.C.No.110/2019, until the final disposal of the present Crl.A.No.209/2021.

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.K.M.D.MUHILAN, Advocate for the petitioner, and of M/S.K.MADHAN, Govt. Advocate (Crl. Side) on behalf of the Respondent, the court made the following order:-

This petition has been filed seeking to suspend the sentence imposed on the petitioner by judgement dated 23.03.2021 in S.C.No.110 of 2019, on the file of the learned Sessions Judge, Mahila Court, Coimbatore.

2. The respondent/police registered a case in Crime No.3 of 2016 against the petitioner for the offences under Sections 498 (A) and 306 of IPC. After investigation, the respondent/police laid a charge sheet before the learned Sessions Judge, Mahila Court, Coimbatore.

3. After trial, the learned Sessions Judge, Mahila Court, Coimbatore, convicted the petitioner for the offence under Section

498 (A) of IPC and sentenced him to undergo two years Rigorous Imprisonment and to pay a fine of Rs.1,000/-, in default to undergo six months Simple Imprisonment and also convicted for the offence under Section 306 of IPC and sentenced him to undergo 7 years Rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo one year Simple Imprisonment. Challenging the said Judgment of conviction and sentence, Criminal Appeal has been filed along with the above miscellaneous petition, seeking suspension of sentence.

4. The learned counsel for the petitioner/appellant would submit that there is no evidence of commission of cruelty by the petitioner to the deceased wife. P.W.1 is the mother of the deceased, P.W.2 is the sister of the deceased and P.W.4, P.W.5 and P.W.6 are relatives of the deceased and they are interested witnesses and none of the independent witnesses have spoken about the commission of cruelty committed by the petitioner to the deceased. It is further submitted that the prosecution failed to prove that the accused with an intention to provoke, urge or encourage the deceased to commit suicide. He would further submit that there is a substantive ground to succeed in the appeal. Therefore, he prays to grant suspension of sentence to the petitioner.

5. The learned Government Advocate (Criminal Side) would submit that the petitioner/appellant suspected the fidelity of the deceased wife with one Ramesh, who is none other than the brother of the accused and due to which, she committed suicide by consuming poison. It is further submitted the Revenue Divisional Officer, had also given a opinion that the deceased was died committing suicide due to the ill-treatment and harassment of her husband, the petitioner herein. Hence, the learned Government Advocate (Criminal Side), strongly objected the bail petition.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent and perused the materials placed on record.

7. Considering the serious gravity of the offence committed by the petitioner, that he suspected the fidelity of the deceased with his own brother and due to which, the deceased committed suicide by consuming poison and also considering the fact that the Revenue Divisional Officer, who conducted enquiry also opined that the deceased was died committing suicide due to ill-treatment and harassment of the petitioner herein, this Court is not inclined to grant suspension of sentence to the petitioner.

8. The learned counsel for the petitioner has cited two decisions viz., **Gurjit Sing Vs. State of Punjab** [(2020) 14 SCC 264] and **Manohari and Ors. Vs. The District Superintendent of Police and Ors.** [MANU/TN/5225/2018] in support of his contentions. There is no quarrel over the principles laid down therein, however, the same can be considered only at the time of hearing of the main Appeal, and not in the petition filed for granting bail.

9. Accordingly, this miscellaneous petition is dismissed.

-sd/-
30/04/2021

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 MAGALIR COURT
MAHILA COURT, COIMBATORE.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
PERUR SUB DIVISION,
COIMBATORE DISTRICT,
PERUR
ALL WOMEN POLICE STATION.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE-18.

+1 C.C. to M/S.K.M.D.MUHILAN Advocate on payment of necessary charges SR.NO.5631

Order

in
CRL MP.5471/2021

in
CRL A.209/2021

Date :30/04/2021

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TA-03/05/2021