

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of June Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL MISCELLANEOUS PETITION No.6299 of 2021

in CRL.A.No.308 OF 2021

PARTHEEBAN

[PETITIONER]

Vs

THE STATE REP. BY
INSPECTOR OF POLICE
K-1, SEMBIUM POLICE STATION,
CHENNAI.
CRIME NO.1746 OF 2014

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to suspend the sentence imposed on the petitioner by the learned Maheela Court Judge at Chennai in S.C.No.87 of 2016 dated 06.03.2021 U/S 498-A & 306 of IPC and release the petitioner on bail pending disposal of the above Crl.A.No.308 of 2021.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.S.NAGARAJAN, Advocate for the petitioner and of MR.S.SUGENDRAN, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This miscellaneous petition has been filed seeking suspension of sentence imposed on the petitioner/appellant by judgment dated 06.03.2021 in S.C.No.87 of 2016 by the learned Sessions Judge, Mahila Court, Chennai.

2 Learned counsel appearing for the petitioner would submit that there is no material to convict the petitioner for the offence under Section 498(A) and 306 of IPC. Further, A2 was acquitted in this case, but, the trial Court wrongly convicted this petitioner, who is A1, solely based on the statement recorded from the deceased by P.W.8. Even there is no proof to show that the deceased was in fit state of mind at the time of giving statement. Under these circumstances, the petitioner/appellant has good ground to succeed in this appeal. Hence, the learned counsel prays to grant suspension of sentence.

3 The learned Government Advocate (Crl.Side) would submit that the appellant and the deceased loved each other and eloped and married on 24.03.2013 in a temple without consent/knowledge of both side parents. Out of their wedlock, the deceased begotten a female child. The petitioner demanded her to get a bike from her parents, since his brother A2 got the same from his mother-in-law's house. On 28.07.2014 at about 6.30 a.m. the petitioner/appellant scolded the deceased and shouted her to go out from the home and beaten her. Therefore, the deceased poured kerosene and set fire on her own. Prosecution has clearly proved the offence committed by this petitioner through the statement recorded from the deceased and the evidence of Doctor. Hence the petitioner is not entitled to get the relief of suspension of sentence.

3 Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

4 It is seen that the trial Court, after a complete trial, from the statement recorded from the deceased and the medical evidence, found the accused guilty for the offence punishable under Sections 498A and 306 of IPC and convicted and sentenced to undergo rigorous imprisonment for a period of two years with fine of Rs.10,000/-, in default, to undergo simple imprisonment for a period of two months for the offence under Section 498A and to undergo rigorous imprisonment for a period of seven years with fine of Rs.15,000/-, in default, to undergo simple imprisonment for a period of three months for the offence under Section 306 of IPC.

5 Now a days, offence against women are increasing day by day, one way or other, husband or in-laws are torturing women. Considering the serious nature of offence and also the fact that the deceased herself in her statement stated that her husband i.e. the petitioner/appellant is the cause for her injuries, this Court is not inclined to grant suspension of sentence.

6 Hence, this criminal miscellaneous petition is dismissed.

-sd/-

17/06/2021

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 SESSIONS JUDGE,
MAHILA COURT, CHENNAI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE
K-1, SEMBIUM POLICE STATION,
CHENNAI.

C.C. to M/S.S.NAGARAJAN Advocate on payment of necessary
charges

Order

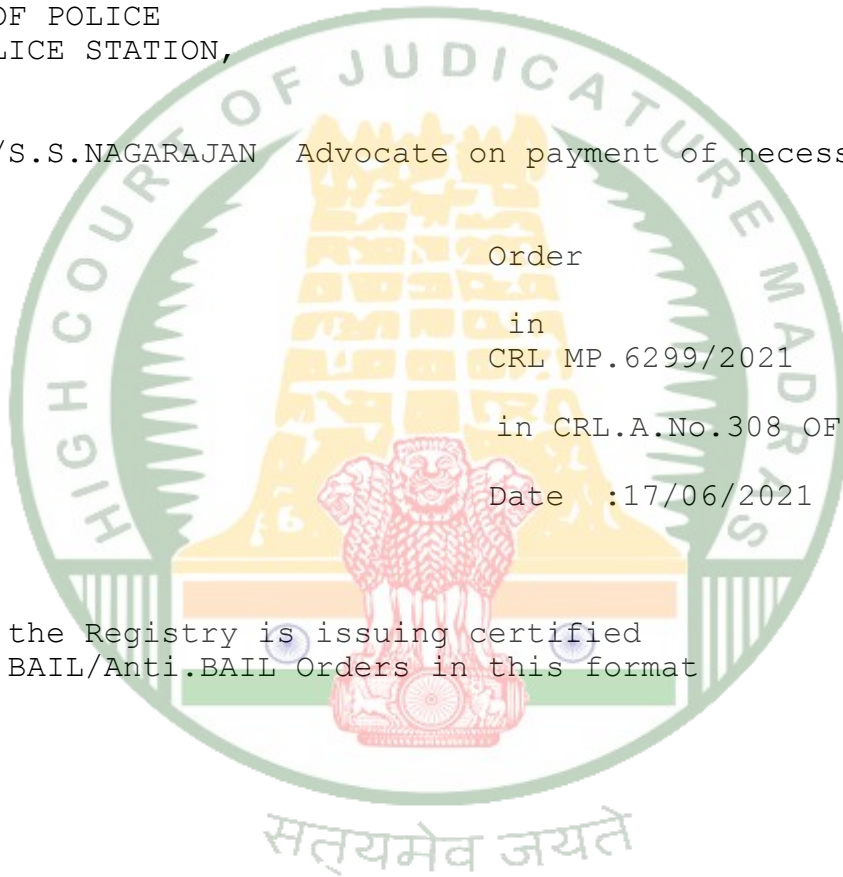
in
CRL MP.6299/2021

in CRL.A.No.308 OF 2021

Date :17/06/2021

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RVR 28/06/2021



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