



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of December Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.13877 of 2021

IN CRL.A.NO.683 OF 2021

1 AMUTHA
2 PAKKIRI

[PETITIONERS / APPELLANTS]

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PANRUTI, CUDDALORE
(CRIME NO.03 OF 2017)

[RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.683 OF 2021 on the file of the High Court, the High Court will be pleased to suspend the sentence passed by the learned Sessions Judge Mahila Court, Cuddalore dated 30.11.2021 in S.C.NO.300/2017 pending final disposal of the Criminal Appeal and pass such further or other orders as this Hon'ble Court in CRL.A.NO.683 OF 2021

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.683 OF 2021 on the file of the High Court and upon hearing the arguments of M/S.S.KUMARA DEVAN, 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 Criminal Miscellaneous Petition has been filed by the Petitioners/A2 and A3, seeking suspension of sentence of imprisonment, imposed by the judgment dated 30.11.2021 made in S.C.No.300 of 2017 by the learned Sessions Judge, Mahila Court, Cuddalore and to enlarge the Petitioners/ A2 and A3 on bail pending disposal of the above appeal.

2. In the judgment of the trial court, the Petitioners/A2 and A3 were convicted and sentenced each of them to undergo one year S.I. and to pay a fine of Rs.10,000/- each and in default of payment of fine, each of them to undergo 3 months S.I. for the offence under section 4 of the Dowry Prohibition Act and they were acquitted for the offence under Section 294(b) IPC and against which, the present appeal has been filed.



3. Learned counsel for the petitioners would submit that the petitioners are respectively parents of the first accused. The allegation against the first accused is that on the promise of marriage, he had committed sexual intercourse with P.W.1 and made her pregnant and thereafter he refused to marry her. The allegation against the petitioners is that when P.W.1 brought to the knowledge of the petitioners, they had demanded 30 sovereign of jewels and car for permitting him to marry P.W.1. Learned counsel for the petitioner would further submit that the petitioners were not aware of the love affair alleged to have been between the P.W.1 and the son of the petitioners and they are innocent. The trial court found them guilty for the offences under Section 4 of the Dowry Prohibition Act and had imposed sentence of one year S.I. and to pay a fine of Rs.10,000/- each and in default of payment of fine, each of them to undergo 3 months S.I. He would further submit that the fine amount has been deposited. The trial court had granted suspension of sentence till 21.12.2021. According to the learned counsel for the Petitioners/A2 and A3, there are arguable points available in the Criminal Appeal Case, which is not likely to be taken for final hearing in the near future and the Petitioners/ A2 and A3 have got a fair chance of succeeding in the Criminal Appeal Case and hence, the sentence imposed against the Petitioners/A2 and A3 may be suspended and the Petitioners may be exempted from surrendering before the Trial Court.

4. Mr. S. Sugendran, learned Government Advocate (crl side) appearing for the respondent would submit that the petitioners are respectively A2 and A3 in this case and they are parents of the first accused. A1 in this case on the false promise of marriage had raped the victim girly due to which she became pregnant and thereafter, he had refused to marry her. The petitioners had demanded 30 sovereign of jewels and car for permitting the first accused to marry P.W.1. He would further submit that the trial court rightly finding that there was demand of dowry, had convicted the petitioners/accused.

5. Heard the learned counsel for the petitioners and perused the materials on record.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioners and the fact that the appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal appeal, the reliefs of suspension of sentence and bail are granted, on the following conditions :-

- i. The petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate-1, Panruti.



ii. The petitioners shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

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6. The Criminal Miscellaneous Petition is ordered accordingly.

-sd/-
22/12/2021

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 JUDICIAL MAGISTRATE NO.I,
PANRUTI.

2 THE CHIEF JUDICIAL MAGISTRATE,
CUDDALORE [FOR INFORMATION]

3 THE SESSION JUDGE MAHILA COURT,
CUDDALORE.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PANRUTI, CUDDALORE.

5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1C.C. to M/S.S.KUMARA DEVAN Advocate on payment of necessary charges SR.NO.15294

Order

in
CRL.MP.NO.13877/2021
in
CRL.A.NO.683/2021

Date :22/12/2021

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