



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

Wednesday, the Third day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.158 of 2021
in
Crl.A.(MD) No.14 of 2021

D.RAMESH

... PETITIONER/ APPELLANT/
ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.
IN CRIME NO.224/2011

... RESPONDENT/ RESPONDENT/
COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed against the Petitioner / Appellant in S.C.No.23 of 2014 by the learned Fast Track Mahil Judge, Theni on 11.11.2020 and to enlarge the Petitioner/Accused on bail, pending disposal of the Criminal Appeal.

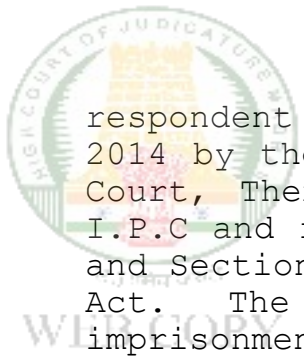
Prayer in Crl.A.(MD) No.14 of 2021:

To set aside the judgment dated 11.11.2020 in S.C.No.23 of 2014 on the file of the Fast Track Mahila Court, Theni and acquit the appellant/ accused.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.M.RAMASUBRAMANIAN, Advocate for the petitioner and of Mrs.S.BHARATHI, Government Advocate on behalf of the Respondent, While admititng the Criminal Appeal, the court made the following order:-

This petition has been filed to suspend the sentence imposed against the petitioner in S.C.No.23 of 2014, on the file of the Fast Track Mahila Court, Theni.

2.The allegation against the petitioner is that he harassed his wife demanding dowry and thereby, instigated the suicide of his wife. A case in Crime No.224 of 2011 was registered by the



respondent police and the case was taken on file as S.C.No.23 of 2014 by the Fast Track Mahila Court, Theni. The Fast Track Mahila Court, Theni, found the petitioner not guilty under Section 306 I.P.C and found the petitioner guilty under Section 498-A I.P.C. and Section 4(1)(B) of Tamilnadu Prohibition of Harassment of Woman Act. The petitioner was sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo a further period of six months simple imprisonment under Section 498-A I.P.C. and the petitioner was sentenced to undergo five years rigorous imprisonment and to pay a fine of Rs.50,000/-, in default, to undergo a further period of one year simple imprisonment under Section 4(B) (2) of Tamilnadu Prohibition of Harassment of Woman Act. Against the conviction and sentence, the petitioner filed an Appeal in CrI.A.(MD)No.14 of 2021. Along with the appeal, he has filed the present application for suspension of sentence pending disposal of the said appeal.

3.On the side of the petitioner, it is stated that the marriage took place 14 years ago. The petitioner was acquitted under Section 306 I.P.C. P.W.1 is the mother-in-law, P.W.2 is the father-in-law and P.W.6 is the brother-in-law of the petitioner. They were not examined by the petitioner and only for that reason, the petitioner was convicted. The petitioner is in custody for the past 85 days. P.W.1 and P.W.2 are the son and daughter of the petitioner. The petitioner has to take care of his children and therefore, prayed the sentence to be suspended.

4.On the side of the respondent, it is stated that the prosecution has examined 12 witnesses and marked 10 documents. Post Mortem report was marked as Ex.P5. Inquest report was marked as Ex.P10. P.W.11 has deposed regarding the entries in the accident register, which was marked as Ex.P6. The evidence of P.W.5 and P.W.6 clearly proved the demand of dowry. The evidence of P.W.5 and P.W.6 corroborated the evidence of P.W.1 and P.W.2. The prosecution has proved the case beyond all reasonable doubts and prayed the petition to be dismissed.

5.It is seen that the trial Court acquitted the petitioner under Section 306 I.P.C. and convicted the petitioner under Section 498-A I.P.C. and under Section 4(2)(b) of Tamilnadu Prohibition of Harassment of Woman Act. It is seen that D.W.1 and D.W.2 are in the custody of the petitioner. The petitioner is in custody for the past 85 days. It is seen that he has to take care of the minor children. The petitioner has to be given an opportunity to putforth his case. In the above circumstances, this Court is inclined to suspend the sentence.

6. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on the following conditions:-



(i) the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Fast Track Mahila Court, Theni.

WEB COPY

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their valid identity card to ensure their identity.

(iii) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal or until further orders.

sd/-

03/02/2021

/ TRUE COPY /

/ /2021

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

TO

1. THE JUDGE,
FAST TRACK MAHILA COURT,
THENI.
2. THE INSPECTOR OF POLICE
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1CC to M/s.M.RAMASUBRAMANIAN, Advocate (SR-678[I] dated 04/02/2021)

ORDER

IN

CRL MP(MD) No.158 of 2021 in
Crl.A.(MD) No.14 of 2021

Date :03/02/2021

Ls

MS/VR/SAR-3/05.02.2021/3P.6C