



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

Friday, the Thirtieth day of April Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.3129 of 2021
IN
CRL A(MD) No.194 of 2021

1 MUTHUKUMAR
2 AMSAVALLI

... APPELLANTS/PETITIONERS

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
SRIRANGAM ALL WOMEN POLICE STATION,
SRIRANGAM, TRICHY DISTRICT.

... RESPONDENT/RESPONDENT

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 passed by the Honble Mahila Court, Trichy in SC.No.140 of 2017 dated 19.12.2019.

Prayer in CRL A(MD) No.194 of 2021:

To call for the record and set aside the order in SC.No.140 of 2017 dated 19.12.2019 on the file of the learned Mahila Court, Trichy.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/s.MADHU J, Advocate for the appellants and of Mr.A.ROBINSON, Government Advocate (Crl. Side) on behalf of the Respondent, the court made the following order:-

The learned counsel for the petitioners submitted that the petitioners have been convicted by the learned trial judge, for the alleged offence under Section 498(A) IPC, and sentenced them to undergo rigorous imprisonment for a period of three years each and to pay a fine of Rs.1,000/- each, in default to undergo simple imprisonment for a period of one year each and for the alleged offence under Section 304(B) IPC and sentenced them to undergo rigorous imprisonment for a period of seven years each and to pay a fine of Rs.1,000/- each, in default to undergo simple imprisonment for a period of one year each and for the alleged offence under Section 4 of Dowry Prohibition Act and sentenced them to undergo



fine of Rs.1,000/- each, in default to undergo simple imprisonment for a period of one year in S.C.No.140 of 2017 on the file of the learned Sessions Judge, Mahila Court, Trichy.

2.It is submitted by the learned counsel for the petitioners that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

3.It is submitted by the learned Government Advocate (Crl.side) that there are enough materials available on record against the petitioners as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and he strongly opposed to grant suspension of sentence.

4.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

5.The learned counsel for the petitioners pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the second petitioner/A2 herein alone is entitled to the relief of grant of suspension of sentence.

6.Insofar as the first petitioner/A1 is concerned, this petition is dismissed.

7.Accordingly, the suspension of sentence petition is allowed in respect of the second petitioner/A2 alone, and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the second petitioner/A2 is directed to be enlarged on bail on condition that the second petitioner/A2 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 Mahila Court, Trichy, and on further condition that the second petitioner/A2 shall appear before the said Court once in a week i.e., on the first working day of every week at 10.30 a.m. pending appeal.

sd/-
30/04/2021

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



TO

1 THE JUDGE,
MAHILA COURT, TRICHY.

2 THE INSPECTOR OF POLICE,
SRIRANGAM ALL WOMEN POLICE STATION,
SRIRANGAM, TRICHY DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE OFFICER INCHARGE,
WOMEN'S PRISON, TRICHY.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.3129 of 2021

IN

CRL A(MD) No.194 of 2021

Date : 30/04/2021

VSD

JM/VR/SAR I/03.05.2021/3P/6C