



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

Thursday, the Twenty Fourth day of June Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.3649 of 2021
in
Crl.A(MD)No.216 of 2021

AYYAPAN

... PETITIONER/ APPELLANT/
ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
BODI POLICE STATION,
THENI DISTRICT.
CRIME NO.1162/2017

... RESPONDENT/ RESPONDENT/
COMPLAINANT

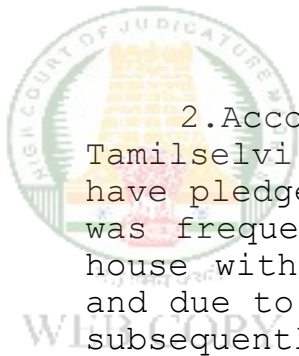
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Pass an order suspending the sentence imposed on the appellant by the Honourable Sessions Judge, Fast Track Mahila Court, Theni Dated 08.03.2021 made in S.C.No.63/2018 pending disposal of the above Appeal.

PRAYER IN Crl.A(MD)No.216 of 2021:

To allow the appeal and acquit the appellant by setting aside the conviction and sentence imposed on him by the judgment dated 08.03.2021 made in S.C.No.63 of 2018 on the file of the Hon'ble Sessions Judge, Fast Track Mahila Court, Theni.

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.B.JEYAKUMAR, Advocate for the petitioner and of Mr.RMS.SETHURAMAN, Counsel for State Government(Criminal Side) for the respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to grant suspension of sentence imposed by the Sessions Judge, Fast Track Mahila Court, Theni, dated 08.03.2021, in SC No.63 of 2018 and enlarge the petitioner/A1 on bail pending disposal of the criminal appeal.



2. According to the prosecution, A1 got married the deceased Tamilselfvi and after the marriage, A1 along with the other accused have pledged her jewels. When the deceased claimed the jewels, there was frequent quarrel with her. That on 19.10.2017, A1 came to the house with drunken mood and entered into quarrel with the deceased and due to it, she committed suicide herself by pouring kerosene and subsequently, he died in the hospital.

3. The trial court, after proper appreciation of the entire materials available on record, both oral and documentary found the petitioner/accused guilty under 306 IPC and sentenced him to undergo Rigorous Imprisonment for 6 years and also to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for 6 months. Aggrieved by the judgment of the trial court, the appellant/A1 is before this court. Along with appeal, this petition has been filed seeking suspension of sentence.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been in judicial custody from 08.03.2021.

5. The learned Standing Counsel appearing for the State/respondent submitted that after proper appreciation of the facts and circumstances of the case, the trial court has rightly convicted the petitioner/A1 and prays for dismissal of this petition.

6. Considering the nature of offence committed by the petitioner and also considering the period of incarceration, this Court is not inclined to grant suspension of sentence to the petitioner.

7. In fine, this Criminal Miscellaneous Petition is dismissed.

sd/-
24/06/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/ litigant concerned.



TO

1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
THENI.

2 THE INSPECTOR OF POLICE
BODI POLICE STATION,
THENI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.

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

ORDER

IN

CRL MP(MD) No.3649 of 2021 **in**

CrI.A(MD)No.216 of 2021

Date :24/06/2021

ER

MS/JC/SAR-3/22.07.2021/3P.5C