



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Third day of September Two Thousand and Twenty One

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PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.6605 of 2021

IN

CRL A(MD) No.194 of 2021

MUTHUKUMAR

... APPELLANT / PETITIONER

Vs

THE 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 Hon`ble Mahila Court in S.C.No.140 of 2017.

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

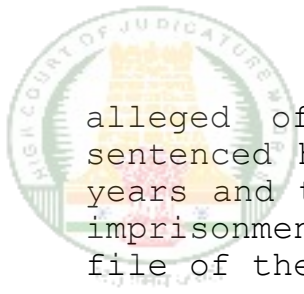
To call for the record and set a side the order in S.C.No.140 of 2017 dated 19.12.2019 on the file of the learned Mahila court, Trichy.

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.J.MADHU, Advocate for the petitioner, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner in S.C.No.140 of 2017, dated 19.12.2019 by the learned Sessions Judge, Mahila Court, Tiruchirappalli.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the learned trial judge, for the alleged offence under Section 498(A) IPC and sentenced him to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for a period of one year and for the alleged offence under Section 304(B) IPC and sentenced him to undergo rigorous imprisonment for a period of 7 years and to pay a fine of Rs.1,000/-, in default to

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alleged offence under Section 4 of Dowry Prohibition Act and sentenced him to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.1,000/-, 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, Tiruchirappalli.

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3.It is submitted by the learned counsel appearing for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses and he prayed for suspension of sentence.

4.It is submitted by the learned counsel appearing for State Government (Crl.side) that there are enough materials available on record against the petitioner 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.

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

6.The learned counsel appearing for the petitioner 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 petitioner herein is entitled to the relief of grant of suspension of sentence.

7.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal on the following conditions:-

(i)the petitioner is directed to be enlarged on bail on condition that the petitioner 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 learned Sessions Judge, Mahila Court, Trichy;

(ii)the petitioner is directed to pay a sum of Rs.50,000/- (Rupees Fifty thousand only) to the credit of Rojavanam, Home for Aged and Poor, Melur Road, Uthangudi, Madurai District - 625 020 within a period of four weeks from the date of receipt of a copy of this order, failing which this petition shall stand dismissed automatically without further reference to this Court;



(iii) and on further condition that the petitioner shall appear before the said Court daily at 10.30 a.m. pending appeal.

sd/-

03/09/2021

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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,
MAHILA COURT, TIRUCHIRAPPALLI.
- 2 THE INSPECTOR OF POLICE
SRIRANGAM ALL WOMEN POLICE STATION,
SRIRANGAM, TRICHY DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
ROJAVANAM,
HOME FOR AGED AND POOR,
MELUR ROAD, UTHANGUDI,
MADURAI DISTRICT - 625 020.

ORDER

IN

CRL MP(MD) No.6605 of 2021

IN

CRL A(MD) No.194 of 2021

Date : 03/09/2021

VSD

MK/PN/SAR.I/06.09.2021/3P/6C