



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

Monday, the Eighth day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM
and
The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.6146 of 2020

IN

CRL A(MD) No.196 of 2020

VIJAYAKUMAR

... PETITIONER/APELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.279 OF 2015

... 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 sentences passed in S.C.No.267 of 2016 dated 21/02/2020 on the file of Learned Sessions Judge (Mahila Court) (Fast Track Mahila Court) Thanjavur pending disposal of the above said Criminal Appeal and thus render justice.

PRAYER IN CRL A(MD) No.196 of 2020:

Pleased to call for the records pertaining to the order made in S.C.No.267 of 2016 dated 21.02.2020 on the file of learned Sessions Judge(Mahila Court)(Fast Track Mahila Court), Thanjavur and set aside the same by allowing above appeal.

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.G.KANNAN, Advocate for Mr.K.M.KARUNAKARAN, Advocate for the petitioner and of Mr.R.ANANDARAJ, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

[Order of the Court was made by K.KALYANASUNDARAM, J.]

Totally two accused were tried by the Mahila Court, Thanjavur in S.C.No.267 of 2016 for the offences punishable under Sections 294 (b), 302, 302 r/w 109 of IPC. Both the accused were convicted for the said charges and they were sentenced to undergo Life Imprisonment with fine of Rs.5,000/-. Challenging the conviction and sentence, A1 in that case has preferred this appeal. Pending



appeal, this application to suspend the sentence of imprisonment has been filed.

2. It is the case of the prosecution that the first accused married the deceased in the year 2014 and he was having illicit intimacy with second accused, who is the neighbour. When it was objected by the deceased, both accused harassed her and also physically assaulted her. Further, the case of the prosecution is that on 10.06.2015 at 12.00 hours when the deceased questioned the first accused, she was assaulted and at 02.00 p.m., the first accused poured kerosene on the deceased and set fire and thereby both the accused have committed an offence of murder. As stated above the trial Court found them guilty and imposed sentence.

3. It is the submission of the learned counsel for the petitioner that the deceased was removed to Government Hospital, Orathanadu, where she has stated that she herself set fire due to quarrel. It is further argued that the Investigating Officer having come to the conclusion that this is a case of self-immolation, did not request the Revenue Divisional Officer to conduct an enquiry and there is a delay in giving the complaint and reaching the complaint to Court.

4. Per Contra, the learned Additional Public Prosecutor appearing for the respondents would argue that the complaint itself was registered based on the statement of the deceased, wherein, she has specifically implicated both the accused. The Dying Declaration, which was marked as Ex.P7 was produced for perusal of this Court.

5. We have heard the rival submissions on both sides and carefully perused the materials available on record.

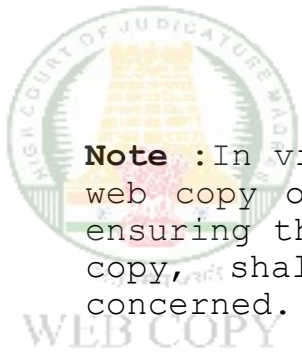
6. A cursory perusal of the Dying Declaration narrates the extent of physical and mental harassment meted out to the deceased by both the accused. It is unfortunate to note that within a period of one year from the date of marriage, the deceased was done to death. So, we are not inclined to grant bail to the petitioner and the arguments advanced by the learned counsel for the petitioner can be appreciated only at the time of disposal of the appeal.

7. For the above reasons, this petition is dismissed.

sd/-
08/02/2021

/ TRUE COPY /

/ /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 (MAHILA COURT),
(FAST TRACK MAHILA COURT), THANAJVUR.
2. THE INSPECTOR OF POLICE,
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP (MD) No.6146 of 2020
IN
CRL A (MD) No.196 of 2020
Date : 08/02/2021

AM
TK/PN/SAR.4/15.02.2021/3P/5C