



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

Monday, the Fifteenth day of November Two Thousand and Twenty One

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

Crl.M.P. (MD) No.9628 of 2021

in

Crl.A. (MD) No.474 of 2021

SIVARAJA

... APPELLANT/1ST ACCUSED

Vs

THE STATE REP BY ITS  
THE INSPECTOR OF POLICE  
KA.VIZHAKU POLICE STATION,  
THENI DISTRICT.  
(CR.NO. 51/2012)

... 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 of suspend the sentence to suspend the sentence imposed on the petitioner vide Judgment dated 28.10.2021 made in S.C.No.114 of 2015 on the file of the learned Fast Track Mahila Court, Theni pending disposal of the above Criminal Appeal.

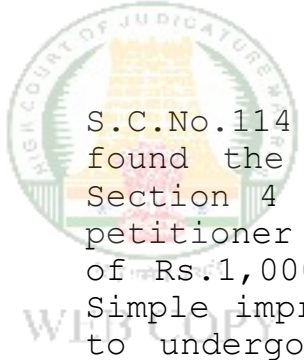
Prayer in Crl.A. (MD) No.474 of 2021:

To call for the entire records in relating to the impugned conviction judgment dated 28.10.2021 made in S.C.No.114 of 2015 on the file of the learned Fast Track Mahila Court, Theni and to set aside the same and consequently to acquit the appellant.

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.JEYAKARTHICK M.S., Advocate for the petitioner and of MR.K.JANJAY GANDHI, Government Advocate on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence, imposed on the petitioner vide judgment dated 28.10.2021 made in S.C.No.114 of 2015 on the file of the learned Fast Track Mahila Court, Theni.

2. The case against the petitioner is that the petitioner and his family members demanded dowry and harassed the deceased Kiruba and abated her death. A case in Crime No.51 of 2012 was registered against the petitioner under Sections 304(B), 498(A) IPC and 4 of Dowry Prohibition Act and the same case was taken on file as



S.C.No.114 of 2015. After trial, the Trial Court acquitted A2 and found the petitioner guilty under Section 498(A) and 304(B) and Section 4 of Dowry Prohibition Act. The Trial Court sentenced the petitioner to undergo one year simple imprisonment and to pay fine of Rs.1,000/-, in default, to undergo further period of one month Simple imprisonment under Section 498(A) of IPC, and sentenced him to undergo simple imprisonment for one year and to pay fine of Rs.1,000/-, in default, to undergo a further period of one month simple imprisonment under Section 4 of Dowry Prohibition Act, and sentenced him to undergo seven years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo one year simple imprisonment under Section 304(B) of IPC.

2. Against the conviction and sentence, the petitioner filed an appeal in Crl.A.(MD)No.474 of 2021. Along with the appeal, the petitioner has filed this petition, for suspension of sentence.

3. On the side of the petitioner, it is stated that the trial Court failed to consider the evidence in the cross examination of the witnesses. There are contradiction in the evidence. P.W.17 has deposed that there was no signature found in the letter by the deceased. There is no evidence in the statement of Revenue Divisional Officer regarding dowry harassment and there are much more points for arguments in the appeal and prayed the sentence to be suspended.

4. On the side of the prosecution it is stated that, the Judgment was pronounced only on 28.10.2021. The allegation was serious in nature. The prosecution has examined 23 witnesses and marked 12 documents and the prosecution has proved the case beyond all reasonable doubts and prayed the petition to be dismissed.

5. Considering the seriousness of the offence and considering that the Judgment is a recent one, this Court is not inclined to suspend the sentence at this moment. This Criminal Miscellaneous Petition is dismissed.

sd/-  
15/11/2021

/ 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 JUDGE  
FAST TRACK MAHILA COURT, THENI.

2. THE INSPECTOR OF POLICE  
KA. VIZHAKU POLICE STATION,  
THENI DISTRICT.

3. THE SUPERINTENDENT CENTRAL PRISON, MADURAI.

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

COPY TO

THE SECTION OFFICER  
CRIMINAL SECTION/CRIMINAL RECORDS  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
Crl.M.P. (MD) No.9628 of 2021  
in  
Crl.A. (MD) No.474 of 2021  
Date :15/11/2021

VB/VR/SAR-I/24.11.2021/3P/6C