



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

Tuesday, the Thirtieth day of November Two Thousand and Twenty One
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.10125 of 2021
IN
CRL A(MD)No.490 of 2021

1 IBRAHIM KANI
2 KATHOON BEEVI

... PETITIONER/APPELLANTS

Vs

THE DEPUTY SUPERINTENDENT OF POLICE,
KARUPPAYURANI POLICE STATION,
OOMATCHIKULAM SUB DIVISION,
MADURAI DISTRICT
CR.NO.3/2012

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioners on bail by suspending the sentence imposed by the Sessions Judge, Mahalir Neethimandram, Madurai made in S.C.No.109 of 2014 by judgment dated 29/09/2021, till pending disposal of the main Criminal Appeal on the file of this Hon`ble Court.

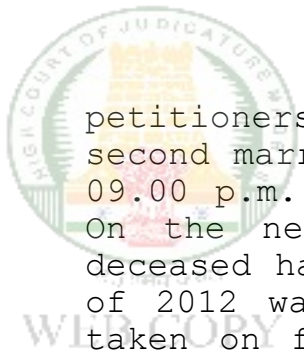
PRAYER IN CRL A(MD).490 of 2021:

To call for the records in the judgment of the Sessions Judge, Mahalir Neethimandram, Madurai made in S.C.No.109 of 2014 on his file dated 29.09.2021 and set aside the same.

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.S.RAMASAMY, Advocate for the petitioners and of M/S.K.ASHA, Government Advocate on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Sessions Judge, Mahalir Neethimandram, Madurai in S.C.No.109 of 2014 dated 29.09.2021, till the disposal of the appeal.

2.The offences against the petitioner is that the first petitioner married the daughter of the defacto complainant on 21.01.2009. Since the deceased was not having children, the



petitioners demanded additional dowry and threatened to conduct second marriage for the first petitioner and on 03.01.2012 at about 09.00 p.m.. the deceased informed her mother about the harassment. On the next day, i.e., on 04.01.2012 at about 08.00 a.m. the deceased hanged herself and committed suicide. A case in Crime No.3 of 2012 was registered by the respondent police and the same was taken on file as S.C.No.109 of 2014 on the file of the Sessions Judge, Mahila Court, Madurai. Mahila Court convicted the accused persons and found Accused No.1 guilty under Section 498 A of IPC and sentenced him to undergo three years Rigorous Imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo three months Simple Imprisonment and found Accused No.2 guilty under Section 498 A of IPC and sentenced her to undergo one year Rigorous Imprisonment and to pay a fine of Rs.5,000/- in default to undergo three months Simple Imprisonment. Against the conviction and sentence the petitioners have filed an appeal in Crl.A.(MD).No.490 of 2021. Along with the appeal the petitioners filed this petition for suspension of sentence.

3.On the side of the petitioner, it is stated that the petitioner No.2 is aged about 72 years and the sentence was suspended till 30.11.2021. There was no dowry demand. Only based on the report of the Revenue Divisional Office the trial Court has convicted the petitioner. The trial Court acquitted the accused under Section 394 (b) IPC and convicted the petitioner only under Section 498 A of IPC and prayed the sentence to be suspended.

4.On the side of the prosecution it is stated that the prosecution has examined 12 witnesses and marked 16 documents. A1 is the husband of the deceased. A2 is the mother-in-law of the deceased. Since the petitioner threatened to conduct a second marriage for the first petitioner, the deceased hanged herself and committed suicide and prayed the petition to be dismissed.

5.Considering the fact that the petitioners are enjoying bail throughout the trail and considering the fact that the sentence against the petitioners were already suspended by the trial Court, this Court is inclined to grant suspension of sentence on the following conditions.

6.Accordingly, the substantive sentence of imprisonment alone is suspended till the disposal of the appeal and the petitioners are ordered to be released on bail on the following conditions:

(i)the petitioners are directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram, Madurai ;



(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

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(iii) the petitioners shall appear before the Trial Court on the first working day of every month until further orders ;

sd/-

30/11/2021

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/ /2021

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

TO

- 1 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM, MADURAI.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
KARUPPAYURANI POLICE STATION,
OOMATCHIKULAM SUB DIVISION,
MADURAI DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP(MD) No.10125 of 2021

IN

CRL A(MD) No.490 of 2021

Date : 30/11/2021

SA/PN/SAR.2/02.12.2021/3P/4C