



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

Thursday, the Ninth day of December Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.10553 of 2021

IN

CRL A(MD)No.501 of 2021

ANAND

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
AVANIYAPURAM POLICE STATION,
THIRUPPARANKUNDRAM TALUK,
MADURAI DISTRICT
(CRIME NO.169 OF 1998)

... 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 imposed in S.C.No. 194/2015, dated. 25.10.2021 on the file of the Learned Sessions Judge, Mahalir Neethimandram, Madurai, till the disposal of the appeal.

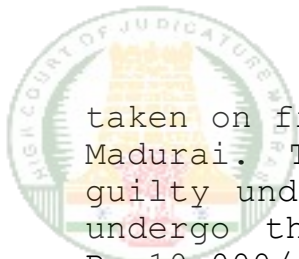
PRAYER IN CRL A(MD)No.501/2021:

To call for the records relating to the judgment passed in S.C.No.194/2015 dated 25.10.2021 on the file of the Court of the Sessions Judge, Mahalir Neeithimandram, Madurai and set aside the same and acquit the appellant/accused No.1 from the charge leveled against him.

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.R.GOWRISHANKAR, Advocate for the petitioner and of Mr.R.M.ANBUNITHI, Government Advocate on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed in S.C.No.194 of 2015, dated 25.10.2021 on the file of the learned Sessions Judge, Mahalir Neethimandram, Madurai.

2. The allegation against the petitioner is that he abetted the suicide of his wife and caused dowry harassment. A case in Crime No.169 of 1998 was registered against the petitioner. The case was



taken on file as S.C.No.194 of 2015 on the file of the Mahila Court, Madurai. The Mahila Court, Madurai, found the petitioner found guilty under Section 498(A) IPC and convicted and sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.10,000/- in default, to undergo six months simple imprisonment. Further, the Trial Court found that the petitioner guilty under Section 304-B IPC and convicted and sentenced him to undergo seven years rigorous imprisonment and to pay a fine of Rs.10,000/- in default, to undergo one year simple imprisonment. Against the conviction and sentence, the petitioner filed an appeal in CrI.A. (MD).No.501 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 PW2, is sister of the deceased. The case of the prosecution is that in the hospital the deceased told her sister regarding the dowry harassment. In the FIR, it is stated that the deceased was unable to speak. The 161 statement of P.W.2, it is stated that the patient was unable to speak. Even before the Revenue Divisional Officer, the victim was not able to speak. Only based on the evidence of P.W.2, the conviction was given by the trial Court. The Revenue Divisional Officer was not examined as a witness. No material object was marked. Another sister of the deceased has also committed suicide. P.W.2 has admitted the same in her evidence. The petitioner is in custody for the past one month and prayed the sentence to be suspended.

4. On the side of the prosecution, it is stated that the marriage of the petitioner and the victim was solemnized on 03.09.1997. Due to dowry harassment, on 25.05.1998, the victim set fire to herself and on 26.05.1998, she died in the hospital. Only due to the cruelty of the petitioner, the victim committed suicide within a period of nine months from the date of marriage. The prosecution has examined eight witnesses, marked 10 documents and proved the case beyond all reasonable doubts.

5. The judgment is only a recent one and the alleged offence is within a period of nine months from the date of marriage. Considering the above circumstances, this Court is not inclined to suspend the sentence at the present stage. Hence, this Criminal Miscellaneous Petition is dismissed.

sd/-

09/12/2021

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



TO

- 1 THE SESSIONS JUDGE,
MAHALIR NEEITHIMANDRAM, MADURAI.
- 2 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 3 THE DEPUTY SUPERINTENDENT OF POLICE,
AVANIYAPURAM POLICE STATION,
THIRUPPARANKUNDRAM TALUK,
MADURAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP(MD) No.10553 of 2021
IN

CRL A(MD)No.501 of 2021

Date :09/12/2021

SA/VR/SAR.1/22.12.2021/3P/5C