



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

Tuesday, the Seventh day of December Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) Nos.10781 and 10782 of 2021
IN
CRL A(MD)No.507 of 2021

B.PRASANTH

... PETITIONER/APELLANT
IN BOTH THE PETITIONS

Vs

1 THE STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
PONMALAI DIVISION, TRICHY.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PONMALAI, TRICHY.

... RESPONDENTS/RESPONDENTS
IN BOTH THE PETITIONS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the conviction and sentence imposed by the learned 1st Additional District and Sessions Court(PCR),Tiruchirappalli made in Spl.SC.No.34 of 2019 dated 01.11.2021 pending disposal of the above Criminal Appeal.

Prayer in CRL MP(MD) . 10782/ 2021 :

To grant an order of exemption to Petitioner from surrendering before the learned 1st Additional District and Sessions Court(PCR), Tiruchirappalli in connection with the Spl.SC.No.34 of 2019.

PRAYER IN CRL A(MD)No.507/2021:

To call for the records and set aside the judgment of conviction and sentence imposed by the learned 1st Additional District and Sessions Court (PCR) Tiruchirappalli made in Spl.SC.No.34/2019 dated 01.11.2021 and allow the above criminal appeal.

Order : These petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.C.GANGAI AMARAN, Advocate for the petitioner in both the Petitions and of M/S.M.AASHA, Government Advocate on behalf of the Respondents in both the Petitions, the court made the following order:-

<https://hcservices.ecourts.gov.in/hcservices/>



The case against the petitioner/A1 is that on 15.09.2017, the defacto complainant married the petitioner without the knowledge of her parents. After obtaining consent of the defacto complainant's parents, they celebrated marriage on 01.07.2018 at Samayapuram Temple Trichirappalli. When the defacto complainant questioned the petitioner for returning home late at night, the first accused abused her in filthy language, humiliated her, uttered her caste's name, assaulted her and caused harassment. The accused 2 and 3 advised the first accused to abandon the defacto complainant and promised the first accused to arrange for another marriage with a bride of their community. Further, the first accused left the defacto complainant on 22.06.2019 and failed to take her back home.

2. A case in Crime No. 08 of 2019 was registered against the petitioner and 2 others. The case was taken on file as Special S.C.No.34 of 2019. The I Additional District and Sessions Court (PCR), Trichirappalli, found the petitioner/A1 guilty under Section 498(A) IPC and sentenced him to undergo 3 years of simple imprisonment and to pay a fine of Rs.1,000/- in default to undergo three months simple imprisonment. The trial court acquitted the accused 2 and 3 for the offences under Section 498A r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Sections 3(1) (r)(s) of SC/ST (POA) Amendment Act, 2015. The trial court acquitted the first accused for the offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 506(i) IPC r/w Section 3(2)(va) of SC/ST (POA) Amendment Act, 2015 and Section 3(1)(r)(s) of SC/ST (POA) Amendment Act, 2015.

3. As against the said conviction and sentence, the petitioner/A1 has preferred an appeal in Crl.A(MD)No.507 of 2021. Along with the appeal, he has filed the present applications (i) for suspension of sentence pending disposal of the said appeal (ii) for exempting the petitioner to surrender before the trial Court.

4. On the side of the petitioner/A1, it is stated that the trial court had suspended the sentence for a period of one month. There was a delay in lodging the complaint and there are much more points for arguments in the appeal and prayed the sentence to be suspended.

5. The learned counsel for the petitioner/A1 has raised substantial points in the memorandum of appeal, which require a detailed consideration by this Court. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner/A1 and considering the fact that the Criminal Appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner/A1 herein is entitled to the relief of suspension of sentence.



6. Considering the fact that the petitioner was on bail throughout the trial and considering that the sentence was suspended by the trial court, this Court is inclined to suspend the sentence. Accordingly, Crl.M.P.(MD)No.10781 of 2021 is allowed and the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on the following conditions:-

- (i) the petitioner is directed to execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the I Additional District and Sessions Court (PCR), Tiruchirappalli.
- (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 their valid identity card to ensure their identity.
- (iii) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the appeal or until further orders.
- (iv) If the aforesaid condition is not complied within the prescribed time limit, the order of suspension of sentence stands automatically cancelled.
- (v) the petitioner is not exempted from surrendering before the trial Court and the petitioner/A1 is directed to surrender before the I Additional District and Sessions Court (PCR), Tiruchirappalli, within a period of two weeks from the date of receipt of copy of this order;

7. Accordingly, Crl.M.P.(MD)No.10782 of 2021 is dismissed.

sd/-

07/12/2021

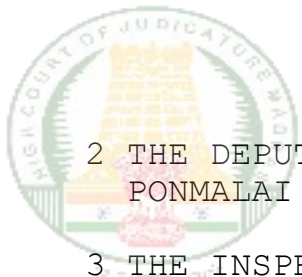
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/ /2021

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

TO

1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR),
TIRUCHIRAPPALLI.



2 THE DEPUTY SUPERINTENDENT OF POLICE,
PONMALAI DIVISION, TRICHY.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PONMALAI, TRICHY.

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

+1. C.C. to M/S.KAJA MOIDEEN.J, Advocate SR.No.8975

ORDER

IN

CRL MP(MD) Nos.10781 and
10782 of 2021

IN

CRL A(MD)No.507 of 2021

Date :07/12/2021

SA/PN/SAR.2/09.12.2021/4P/6C