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Crl.M.P.No.5170 of 2022 in Crl.A.No.422 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.5170 of 2022

in

Crl.A.No.422 of 2022

E.Raja

... Petitioner

Versus

State rep. by
Deputy Superintendent of Police,
Crime Branch CID,
Organized Crime Unit, Salem City.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of the Code of Criminal Procedure to suspend the sentence of conviction and imprisonment dated 08.04.2022 imposed by, Sessions Judge, Fast Track Mahila Court, Namakkal in S.C.No.98 of 2016 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.Venkataramani, Senior Advocate
for Mr.S.Conscious Ilango

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition is to to suspend the sentence of conviction and imprisonment dated 08.04.2022 imposed by the Sessions Judge, Fast Track Mahila Court, Namakkal in S.C.No.98 of 2016 and



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enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2.The learned Senior Counsel appearing on behalf of the petitioner would submit that so as to prove the offence under Section 304(b) of IPC, the prosecution ought to have brought on record some acts of the accused soon before the death demanding dowry so as to convict the accused. Even though it is mentioned that there was a phone call between the deceased and the accused, no call details were produced by the prosecution and entire case against the accused is false. Even the articles which is sought to be demanded were already available in the house of the accused and therefore, the said allegations were also not mentioned in the 161 statement and therefore, he would submit that there is a prima facie case in this matter and prays for suspension of sentence.

3.The learned Government Advocate (CrI.side) opposes the said submissions and would submit that in this case the trial Court has rightly convicted the petitioner and prosecution has proved the case to the hilt.



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4.Mr.C.Prabakaran, learned counsel on behalf of the intervener would oppose by stating that young life has been lost on account of the dowry torture and submit that there is overwhelming evidence on record to convict the petitioner. The death of the wife happened within seven years and the dowry demand has been duly proved.

5.Considering the submissions made on behalf of the petitioner for the purpose of making out a prima facie case and the grounds raised in the appeal and considering the sentence imposed on the accused and considering the fact that he is in prison from the date of judgment ie., from 08.04.2022, I am of the view that this is a fit case for suspension of sentence for the petitioner pending disposal of the appeal on the following conditions.

(a) the petitioner is ordered to be released on bail, on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Trial Court;

(b) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar Cards or Bank Pass books to ensure their



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identities;

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(c) 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 Criminal Appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C., and shall appear before the Trial Court on any other day in *lieu* of the date of his absence, as directed by the Trial Court.

6. This Criminal Miscellaneous Petition is ordered accordingly.

05.07.2022
(2/2)

Index : yes/no
Speaking order/Non-speaking order
sli

To

1.The Deputy Superintendent of Police,
Crime Branch CID,
Organized Crime Unit, Salem City.

2.The Public Prosecutor, High Court of Madras.

3.The Superintendent of Police, Central Prison, Coimbatore.

4.The Sessions Judge, Fast Track Mahila Court, Namakkal.



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D.BHARATHA CHAKRAVARTHY. J.,

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**05.07.2022
(2/2)**