



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL MISCELLANEOUS PETITION No.6385 of 2022

IN CRL A.488/2022

SILAMBARASAN

[APPELLANT/ACCUSED-1]

Vs

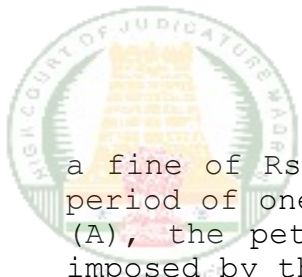
THE DEPUTY SUPERINTENDENT OF POLICE,
ULUNDRPET DIVISION,
VILLUPURAM DISTRICT
CRIME NO.19 OF 2014.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.488/2022 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the order passed against the petitioners in S.C.NO.47 of 2015 on 08.04.2022 by the Learned Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Villupuram and enlarge on bail pending disposal of the Criminal Appeal No.488 of 2022.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Criminal Appeal No.488 of 2022 on the file of the High Court and upon hearing the arguments of M/S.S.SARAVANA KUMAR, Advocate for the petitioner and of M/S.R.VINOTHRAJA, Government Advocate (Crl.side) on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the Petitioner/1st Accused, seeking suspension of sentence of imprisonment, imposed by the judgment, dated, 08.04.2022 made in S.C.No.47 of 2015, by the learned Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Villupuram, pending disposal of the Criminal Appeal, in and by which, the petitioner / 1st Accused was convicted for the offence under Section 304 (B) of IPC, the petitioner / A1 was sentenced to undergo ten years simple imprisonment and to pay



a fine of Rs.3,000/- in default to undergo simple imprisonment for a period of one month and for the offence punishable under Section 498 (A), the petitioner / A1 was convicted and no separate sentence was imposed by the Lower Court.

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2. This court heard the learned counsel on either side and also perused the materials placed on record. The learned Government Advocate (crl.side) has taken notice for the respondent on 12.05.2022.

3. It is the case of the petitioner /A1 here in that at the time of marriage, the accused had demanded 15 sovereigns of jewels as dowry and they have presented 10 sovereigns of gold, a Hero Honda bike and household articles. It is stated that the present petitioner often consumed alcohol and developed quarrels with his wife and other accused supported A1 for harassing the deceased. It is stated by the learned counsel for the petitioner that two other accused has been granted bail during the course of trial.

4. According to the learned counsel for the Petitioner/1st Accused, there are arguable points available in the Criminal Appeal, which are not likely to be taken for final hearing in the near future and the Petitioner/1st Accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentences of imprisonment imposed against the Petitioner/1st Accused may be suspended. It is also his submission that the fine amount had already been paid.

5. The learned Government Advocate (crl.side) has raised objections for suspending the sentence.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel and the learned Government Advocate (crl.side), this Court is of the view that the substantive sentences of imprisonment alone can be suspended on certain conditions.

7. Accordingly, till the disposal of the Criminal Appeal, the substantive sentences of imprisonment alone is suspended and the Petitioner/1st Accused is ordered to be enlarged on bail, on the following conditions:-

i. The Petitioner/1st Accused shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the Court of learned Judicial Magistrate No.II, Ulundurpet.



ii. The Petitioner/1st accused shall report before the said Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

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-sd/-

01/06/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE,
MAGALIR NEETHI MANDRAM, (FAST TRACK MAHILA
COURT), VILLUPURAM.

2 THE JUDICIAL MAGISTRATE,
NO.II, ULUNDURPET.

3 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM DISTRICT. [FOR INFORMATION]

4 THE DEPUTY SUPERINTENDENT OF
POLICE, ULUNDRPET DIVISION,
VILLUPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

+1 C.C. to M/S.S.SARAVANA KUMAR Advocate on payment of necessary
charges SR.NO. 8291

Order

in

CRL MP.6385/2022

in

CRL A.488/2022

Date :01/06/2022

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copies of the BAIL/Anti.BAIL Orders in this format

RW-01/06/2022