



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Sixth day of July Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice D. BHARATHA CHAKRAVARTHY

CRIMINAL MISCELLANEOUS PETITION No.8758 of 2022

in

Crl.A.No.36 of 2022

1 SATHISH
2 PARVATHAMMAL
3 KRISHNAPPA
4 RATHINAMMAL

[PETITIONERS]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
SHOOLAGIRI POLICE STATION,
KRISHNAGIRI DISTRICT
(CRIME NO.425/2016)

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.36 of 2022 on the file of the High Court, the High Court will be pleased to suspend the execution of the sentence against the petitioner/accused by the S.C.No.95 of 2019 on the file of Learned Session Judge (Fast Track Mahila Court) Krishnagiri District dated 28.12.2021 and enlarge the petitioner on bail, pending disposal of this CRL.A.No.36 OF 2022.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.36 of 2022 on the file of the High Court and upon hearing the arguments of M/S.P.MUTHAMIZHSELVAKUMAR, Advocate for the petitioner and of MR.S.VINOTH KUMAR, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

The learned Counsel for the petitioners would submit that they have got more than a prima facie case and would submit that as far as the accused Nos.2 and 3, father-in-law and mother-in-law, are concerned, there is absolutely no evidence on record. Even as far as the accused No.1 is concerned, the learned Counsel would submit that the deceased wife committed suicide only in her father's house and therefore, no overt act, soon before the death, can be attributed to



him and therefore, he has got more than a prima facie case and prays for grant of suspension of sentence.

2. Per contra, the learned Government Advocate (Crl. Side) would submit that the allegations, in this case, are serious in nature and demanding a sum of Rs.10,00,000/-, which the first accused was due to the fourth accused, with whom, he was also in an extra-marital affair and insisting that the said amount of Rs.10,00,000/- should be brought by the deceased wife, would show that she was tortured and sent out of the home. In fact, an earlier complaint was given, by which, the first accused/husband had kicked her when she was two months pregnant and she got aborted.

3. I have considered the rival submissions made in this case. This is not a case where the allegations are cropping up after the suicide of the victim. But, even during the life time of the victim, she herself has given a clear and categorical complaint, which is marked as Ex.P-2, in which, there is an allegation of dowry demand. Therefore, the allegations are serious in nature.

4. Considering the age and background of the parties and the total period of sentence, I am of the view that it is too early to consider the suspension of sentence in this case and therefore, the Criminal Miscellaneous Petition is dismissed.

-sd/-

06/07/2022

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 (FAST TRACK
MAHILA COURT) KRISHNAGIRI DISTRICT

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

3 THE SUPERINTENDENT,
CENTRAL WOMENS PRISON,
COIMBATORE.



4 THE INSPECTOR OF POLICE,
SHOOLAGIRI POLICE STATION,
KRISHNAGIRI DISTRICT

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.P.MUTHAMIZHSELVAKUMAR Advocate on payment of
necessary charges

Order

in
CRL MP.8758/2022

in Crl.A.No.36 of 2022

Date :06/07/2022

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RVR 08/07/2022