



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.M.P.No.12244 of 2021

in

Crl.A.No.593 of 2021

Rathinam

... Petitioner

Vs.

The State of Tamil Nadu,
Represented by the Inspector of Police,
Jayankondam Police Station,
Jayankondam,
Ariyalur District.

(Crime No.530 of 2016)

... Respondent

PRAYER: The Criminal Miscellaneous Petition is filed under Section 398 (1) of the Code of Criminal Procedure, to suspend the sentence imposed on the petitioner in S.C.No.72 of 2019 on the file of the Fast Track Mahila Court, Ariyalur on 05.10.2021 and enlarge him on bail.

For Petitioner : Mr.P.Mani

For Respondent : Mr.S.Sugendran

Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the Petitioner/Accused, seeking suspension of sentence of imprisonment, imposed by the judgment dated 05.10.2021 passed in S.C.No.72 of 2019 by the Fast Track Mahila Court, Ariyalur.



2. Learned counsel appearing for the petitioner would submit that the petitioner was charged and convicted for the offence under Section 306 IPC for having misbehaved with and thereby, abetted the suicide of one Kalaiselvi/Wife of PW1. PW1 had deposed that the accused misbehaved with the deceased resulting in her committing suicide, whereas, PW8/the own sister of the deceased has contradicted the evidence of PW1. PW8, had deposed that PW1 had suspected that the petitioner was having illicit affair with his wife and thereby, he had assaulted his wife, before the occurrence. The reason for the commission of suicide by the victim is due to the assault by her husband, whereas, without there being any legal evidence against the accused for having abetted the suicide of the victim, the Trial Court, had wrongly convicted the accused.

3. According to the learned counsel for the petitioner/accused, the petitioner/ accused has got a fair chance of succeeding in the Criminal Appeal. There are arguable points available in the Criminal Appeal, however, as the Appeal is not likely to be taken for final hearing in the near future, the sentence imposed against the petitioner/Accused may be suspended and the petitioner may be enlarged on bail.

4. Mr.S.Sugendran, learned Governmetn Advocate (Crl.Side) would submit that the victim Kalaiselvi is a married woman and the petitioner had sexually harrassed her and it was seen by her daughter/ PW7 and the victim, humiliated by the conduct of the petitioner, had committed suicide by hanging with her saree and the Trial Court, rightly finding that the prosecution has proved the case, convicted the petitioner.

5. Heard the learned counsel for the petitioner and perused the materials on record including the deposition of PW8/sister of the victim/deceased.

6. Though, PW8 has been treated as hostile witness, she had specifically stated that there was a dispute between PW1 and the victim, on account of the relationship between the petitioner and the deceased and she had further deposed that PW1/ husband of her sister had suspected her sister and had assaulted her. The petitioner has made out a case for suspension of sentence.

7. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, suspension of sentence and bail are granted, on the following conditions :-



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i. The petitioner 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 Fast Track Mahila Court, Ariyalur.

ii. The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

6. The Criminal Miscellaneous Petition is ordered accordingly.

-sd/-

06/01/2022

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 FAST TRACK MAHILA COURT
ARIYALUR.

2 THE INSPECTOR OF POLICE,
JAYANKONDAM POLICE STATION,
JAYANKONDAM, ARIYALUR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL JAIL, TIRUCHIRAPPALLI.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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+1C.C. to M/S. P.MANI Advocate on payment of necessary charges
SR.No.281

Order
in
CRL MP.12244/2021
in
CRL A.593/2021
Date :06/01/2022

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CSK 10/01/2022