



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.M.P.No.13774 of 2021

in Crl.A.No.301 of 2020

Marudhamuthu

... Petitioner

versus

State rep. By
The Inspector of Police,
Amaravathi Nagar Police Station,
Tiruppur District.
(Crime No.48 of 2016)

... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 389 (1) of Cr.P.C. to suspend the sentence imposed by the judgment dated 13.07.2020 in Sessions Case No.176 of 2016 on the file of the Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.S.N.Arunkumar

For Respondent : Mr.Leonard Arul Joseph Selvam

Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been preferred by the petitioner/accused, seeking to suspend the sentence imposed upon him, by judgment and order dated 13.07.2020 passed in Sessions Case No.176 of 2016 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur, and to enlarge him on bail, pending disposal of the appeal.

2. The petitioner, who is the accused in Sessions Case No.176 of 2016 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur. He was found guilty of the offences under Sections 323, 506(ii), 306 of IPC and



Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 1998 and he has been convicted and sentenced as under:

Offence	Sentence
Section 323 of IPC	Simple Imprisonment for 6 months
Section 506(ii) of IPC	Rigorous Imprisonment for 7 years
Section 306 of IPC	Rigorous Imprisonment for 10 years along with fine of Rs.5,000/-, in default, to undergo additional Rigorous Imprisonment for 2 years
Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 1998	Rigorous Imprisonment for 3 years along with fine of Rs.3,000/-, in default, to undergo additional Rigorous Imprisonment for 1 year
The aforesaid sentences were ordered to run concurrently.	

3. Challenging the above conviction and sentences, the petitioner/accused, has filed CrI.A.No.301 of 2020 along with the instant Miscellaneous Petition, seeking suspension of sentence and bail.

4. The case of the prosecution is that there was a love affair between the petitioner and the victim and that was opposed by her parents. While so, on 23.03.2016, the petitioner went to the victim child's home and picked up quarrel with her to marry him and also abused her. Due to the same, the victim committed suicide by pouring kerosene on her. Therefore, the respondent police registered a case against the petitioner/accused for the offences punishable under Sections 323, 506(ii), 306 of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 1998.

5. The learned counsel appearing for the petitioner would submit that the trial Court, while at the time of disposing the case, did not consider the love affair having by the petitioner and the victim and also not consider the evidence in respect of abetment committed by the petitioner. Therefore, he prayed to allow this petition seeking suspension of sentence to the petitioner/accused.

6. Mr.Leonard Arul Joseph Selvam, the learned Government Advocate (CrI. Side) appearing for the respondent police raised serious objection for allowing this petition. He would further submit that the evidence recorded from the prosecution witness is sufficient to accept the case of the prosecution.

7. Heard Mr.S.N.Arunkumar, learned counsel appearing for the petitioner/accused and Mr.Leonard Arul Joseph Selvam, learned Government Advocate (CrI. Side), appearing for the respondent/State.



8. Now, on going through the evidence recorded on the side of the prosecution witness, it would go to show that in respect of the alleged abetment committed by the petitioner, a detailed appraisal is necessary. Further, the petitioner has been in incarceration from 13.07.2020. Apart from that, the appeal is not likely to be taken up in the near future. In such a view of the matter, this Court is of the view that the petitioner/accused is entitled to the relief of suspension of sentence and bail.

9. Accordingly, sentence of imprisonment alone is suspended and bail is granted to the petitioner on the following conditions:

(a) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur;

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities; and

(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 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 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.

10. With the above directions, this Criminal Miscellaneous Petition is ordered.

-sd/-
02/03/2022

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.



1 THE SESSIONS JUDGE,
MAGALIR NEETHIMANDRAM
(FAST TRACK MAHILA COURT),
TIRUPPUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
AMARAVATHI NAGAR POLICE STATION,
TIRUPPUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 C.C. to M/S M.N.BALAKRISHNAN Advocate on payment of
necessary charges SR.NO.3208

Order

in
CRL MP.13774/2021
in
CRL A.301/2020

Date :02/03/2022

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TA-03/03/2022