



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.M.P.No.14283 of 2021

in Crl.A.No.710 of 2021

1.V.Karthik

... Petitioners

2.Mageswari

Vs.

State Represented by,

... Respondent

The Deputy Superintendent of Police,

Samalpatti Police Station,

Krishnagiri District.

(Crime No.174 of 2018)

PRAYER: The Criminal Revision Case is filed under Section 389(1) of the Code of Criminal Procedure, pleaded to suspend the sentence imposed in S.C.No.133 of 2019 dated 15.12.2021 on the file of the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri and enlarge the petitioners on bail.

For Petitioners : Mr.N.R.Elango, Senior Counsel

For K.Chandrakumar

For Respondent : Mr.S.Sugendran

Government Advocate (Crl.Side)

ORDER

(This case has been heard through Video Conferencing)

This Criminal Miscellaneous Petition has been filed by the petitioners/appellants, seeking suspension of sentence of imprisonment, imposed against the petitioners in S.C.No.133 of 2019 dated 15.12.2021 by the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri.



2. In and by the judgment of the Trial court, the petitioners were found guilty and convicted and sentenced as follows:-

Offence u/s	Conviction & Sentence
498-A IPC	2 years R.I and to pay a fine of Rs.3,000/-, in default, undergo six months S.I.
304-B IPC	10 years Rigorous Imprisonment

against which, the present Criminal Appeal has been filed.

3. The brief facts of the case is as under:-

The case of the prosecution is that the PW1 is a resident of Rayakotta Village, Denkanikottai Taluk, Krishnagiri. The victim Priyanka is her daughter and she was given in marriage to A1 on 08.06.2017 and they have one male child. At the time of marriage, 25 sovereigns of jewels were given to the victim and 5 sovereigns were gifted to A1. The victim and A1 were living as a joint family with A2/Mother of A1. After the marriage, A1 and A2 started to harass the victim and demanded dowry and more jewels, due to which, PW1/Mother of the victim, had sold her property and given cash and jewels to the accused 20 days prior to the occurrence. After the delivery, the accused had demanded the victim to get 5 more sovereigns of jewels for the child and unable to bear the harassment, the victim had committed suicide by hanging in the matrimonial home on 08.12.2018 at about 7 to 10 hours.

(b) Based on the complaint given by PW1, investigation was done by the Respondent and final report was filed against the accused for the offences under Sections 498-A, 304-B IPC before the Judicial Magistrate, Uthangarai and the case was committed to the Court of Sessions, Fast Track Mahila Court and on the side of the prosecution, PW1 to PW22 were examined and Ex.P1 to Ex.P19 were marked along with M.O.1 to M.O.3. When questioned under Section 313 Cr.P.C., the accused denied the charges and at the side of the accused, DW1 was examined and Ex.D1 to Ex.D2 along with D.M.O.1 were marked. The Trial Court, finding the accused guilty and convicted and sentenced them as stated above.

4. The submissions of Mr.N.R.Elango, learned senior counsel appearing for the petitioners are as under:-

(a) The marriage between A1 and the victim was solemnised on 08.06.2017 and after marriage, the victim got conceived and during the seventh month she went to her mother's house for delivery and after delivering a child on 23.07.2018, the victim returned back to the matrimonial home, 15 days prior to the occurrence. The victim was living as joint family and right from the day of marriage, she was



insisting A1 for living in a separate house and that on 08.12.2018, the child become sick and she had told A1 to take the child to Doctor, A1 being a business man had delayed and thereby, the victim who was a sensitive person had committed suicide by hanging. The victim was also depressed as her brother was detained in foreign country for over staying and that are the reasons and other than that it was an unnatural death within 7 years of marriage, there is absolutely no demand of dowry or harassment.

(b) The Revenue Divisional Officer/PW18, who had conducted the inquest, had given a finding that there was absolutely no allegation of demand of dowry and he had stated that one Sindhu relative of the deceased who was examined by him had told that the victim had insisted for separate living and that there was no demand of dowry or jewels. Further, the case was investigated by two Investigation Officers viz., PW20 and PW22 and they have deposed that during the course of investigation, none of the witnesses has stated that there was demand of dowry and they also deposed that they have examined the neighbours and none of them have also told that there was demand of dowry. The Trial Court, without taking into consideration the evidence of the neighbours had erred in convicting the petitioners based on the exaggerated evidence of the relatives of the deceased.

(c) The petitioners/appellants have 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, would pray the sentence imposed against the petitioners/appellants may be suspended and the petitioners may be enlarged on bail.

5. Mr.S.Sugendran, learned Government Advocate (Crl.Side) would submit that in this case, the marriage between the victim and A1 was solemnized on 08.06.2017 and the victim committed suicide on 08.12.2018. The prosecution has examined PW1 to PW22 and Ex.P1 to Ex.P19 were marked along with M.O.1 to M.O.3. and the Trial Court, finding the prosecution has proved its case beyond all reasonable doubts and the accused have found guilty and convicted and sentenced them as stated above.

6. Heard the learned counsel and perused the available materials on record.

7. In this case, the Revenue Divisional Officer/PW18 has found that there was no demand of dowry and the Investigating Officers/ PW20 & PW22, have also stated that during the investigation, they had found that there was no demand of dowry and the witnesses have not spoken about any demand made by the petitioner.

8. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the



petitioners/appellants, this Court is of the opinion 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 :-

WEB COPY

(a) Accordingly, the petitioners/appellants are ordered to be released on bail on condition to execute their own bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** each before the Superintendent of the concerned prison/Jailor concerned, in which the appellants have been confined and thereafter, on their release, the petitioners/appellants shall execute two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Uthangarai, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically and on further conditions that:

(b) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) The petitioners/appellants shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 am., until further orders.

8. The Criminal Miscellaneous Petition is ordered accordingly.

-sd/-
02/02/2022

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.

2 THE JUDICIAL MAGISTRATE,
UTHANGARAI.

3 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]



4 THE DEPUTY SUPERINTENDENT OF POLICE,
SAMALPATTI POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

7 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 C.C. to M/S. K.CHANDRAKUMAR Advocate on payment of necessary
charges SR.NO.1730

Order

in
CRL MP.14283/2021
in
CRL A.710/2021

Date :02/02/2022

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TA-02/02/2022