



Crl.M.P.No.18881 of 2022 in Crl.A.No.1251 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.18881 of 2022

in

Crl.A.No.1251 of 2022

Murugan

... Petitioner

Vs.

State Rep. by
Deputy Superintendent of Police,
AWPS, Perur Sub Division,
Coimbatore.
(Crime No.6/2015)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389 (2) and 439 Cr.P.C. to suspend the sentence of imprisonment dated 1.11.2022 passed in S.C.No.140 of 2019 by the Sessions Judge, Mahalir Neethimandram (Mahila Court), Coimbatore.

For Petitioner : Mr.C.D.Sugumar

For Respondent : Mr.C.E.Pratap,
Gov. Advocate (Crl.Side)



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ORDER

The petitioner, who is arrayed as A1 in S.C.No.140 of 2019 on the file of the Mahalir Neethimandram (Mahila Court), Coimbatore, seeks suspension of his sentence of imprisonment.

2. The Trial Court, by judgment dated 01.11.2022, acquitted the petitioner/A1 from the offence under Section 306 IPC and also A2 and A3 from the offences under Sections 498(A) IPC. Further, the Trial Court convicted the petitioner/A1 for the offence punishable under Sections 498(A) IPC and sentenced him as under:

Conviction under Section	Sentence
498(A) IPC	Imprisonment for one year and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for six months

3. Challenging the conviction and sentence slapped by the Trial Court, the petitioner/A1 is before this Court.

4. The learned counsel for the petitioner submitted that there are



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arguable points in this appeal. He further submitted that already the petitioner paid the fine amount and now, he is in custody and hence, prayed for suspension of sentence.

5. Heard the learned Government Advocate(Crl. side) appearing for the respondent and perused the impugned judgment and the materials on record.

6. It is seen from the records that the petitioner is A1. The allegations against the petitioner is that, the petitioner physically and mentally tortured his wife under drunken mood, thereby, she committed suicide. According to the petitioner, there is no direct evidence to prove the guilt against the petitioner.

7. Taking into consideration of the above submission of the learned counsel appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief



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of suspension of sentence.

8. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that 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 learned Sessions Judge, Mahalir Neethimandram (Mahila Court), Coimbatore.***

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioner shall appear before the Trial Court on the first working day of every month until the disposal of the Criminal Appeal.



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Note: Issue order copy on 14.12.2022

mst

To

1. The Sessions Judge, Mahalir Neethimandram (Mahila Court),
Coimbatore.
2. The Central Prison, Coimbatore.
3. The Deputy Superintendent of Police,
AWPS, Perur Sub Division,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

mst

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