



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Eighth day of January Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) Nos.774 & 776 of 2022

IN

CRL A(MD) No.13 of 2022

DINESH @ DINESHWARAN

... APPELLANT / ACCUSED NO.1
IN CRL MP(MD) No.774 of 2022

CHINNATHAL

... APPELLANT / ACCUSED NO.2
IN CRL MP(MD) No.776 of 2022

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
REGUNATHAPURAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
(IN CRIME NO.70/2012)

... RESPONDENT IN BOTH THE PETITIONS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to order to suspend the sentence of imprisonment awarded against the accused No.1 (Dinesh @ Dineshwaran) by the judgment dated 28.12.2021 in S.C.No. 61/2020 on the file of Learned Sessions Judge (Full Addl Charge) Mahila court, Pudukkottai pending disposal of this Criminal Appeal.

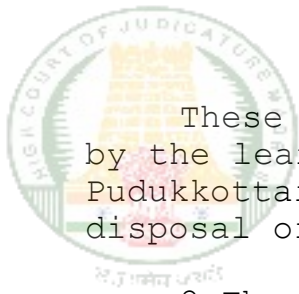
Prayer in CRL MP(MD). 776/ 2022 :

To suspend the sentence of imprisonment awarded against the A2 by the judgment dated 28.12.2021 in S.C.No. 61 of 2020 on the file of the Learned sessions Judge, (Full Addl Charge), Mahila court, Pudukkottai pending disposal of the Crl A.,

Prayer in CRL A(MD) No.13 of 2022:

To call for the records and to allow the appeal and acquit the appellants by setting aside the judgment dated 28.12.2021 in S.C.No.61 of 2020 on the file of the Learned Sessions Judge (Full Additional Charge), Mahila Court, Pudukkottai.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.P.GANAPATHI SUBRMANIAN, Advocate for the petitioner and of MR.K.SANJAY GANDHI, Government Advocate on behalf of the Respondent, the court made the following order:-



These petitions have been filed to suspend the sentence imposed by the learned Sessions Judge(Full Additional Charge), Mahila Court, Pudukkottai, in S.C.No.61 of 2020 dated 28.12.2021, till the disposal of the appeal.

2.The allegation against the petitioners is that both the accused entered the house of the defacto complainant and that A1 threatened the defacto complainant and others not to marry the deceased with any body else. Due to the stress and depression, the deceased committed suicide by hanging herself. A case in Crime No.70 of 2012 was registered against the petitioners and the same was taken on file as S.C.No.61 of 2020 on the file of the learned Sessions Judge(Full Additional Charge), Mahila Court, Pudukkottai. The learned Judge found the petitioners guilty under Section 306 of IPC and convicted and sentenced the first accused to undergo 10 years rigorous imprisonment and to pay a fine of Rs.50,000/- in default, to undergo one year rigorous imprisonment. Further, the trial Court sentenced the second accused to undergo seven years rigorous imprisonment and to pay a fine of Rs.50,000/- in default, to undergo one year rigorous imprisonment. Against the conviction and sentence, the petitioners have preferred an appeal before this Court in Crl.A.(MD)No.13 of 2022. Along with the appeal, the petitioners have filed the present petitions for suspension of sentence pending disposal of the said appeal.

3.On the side of the petitioners, it is stated that there is love affair between the deceased and the first accused. The parents of the deceased were making arrangement for her marriage with another person by name Rameshkumar. Only on that aspect, the deceased has committed suicide. Using the death of the deceased, the parents of the deceased tried to have revenge on the petitioners and foisted a false case against the petitioners. A2 is no way connected with the case. There is discrepancies in the evidence of P.W.1 and in the evidence of Investigation Officer regarding the time of the occurrence. No independent witness was examined. The neighbors were not examined as witnesses. A1 loved the deceased and there is no necessity for him to instigate her to commit suicide. A2 is a Government nurse and she is aged about 50 years and there is no chance for her to abscond from the residence and prayed the sentence to be suspended till the disposal of the appeal.

4.On the side of the prosecution, it is stated that A2 has involved in the offence. There was love affair between A1 and the deceased. It was A2 who refused for the marriage of A1 with the deceased. A2 came to the residence of the deceased. P.W.1 and her sister saw A1 running from the spot where the deceased strangled herself to death. The judgment is a recent one. The prosecution has examined 7 witnesses and marked 12 documents and proved the case beyond all reasonable doubts and prayed the petitions to be dismissed.



5.Considering that the offence is serious in nature and considering that the judgment is a recent one (I.e. Pronounced on 28.12.2021), this Court is not inclined to grant suspension of sentence to the petitioners at the present stage. These Criminal Miscellaneous Petitions are dismissed.

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sd/-
28/01/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SESSIONS JUDGE,
(FULL ADDITIONAL CHARGE), MAHILA COURT,
PUDUKKOTTAI.
- 2 THE INSPECTOR OF POLICE
REGUNATHAPURAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP (MD) Nos.774 & 776 of
2022
IN
CRL A (MD) No.13 of 2022
Date :28/01/2022

MRN
MK/PN/SAR.III/03.02.2022/3P/5C