



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Twentieth day of January Two Thousand and Twenty Two

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.599 of 2022

IN

CRL A(MD) No.12 of 2022

SEENIVASAN @ RAJA MOHAMMED

... PETITIONER/APPELLANT

Vs

THE INSPECTOR OF POLICE
S.S COLONY POLICE STATION,
MADURAI DISTRICT.
(CRIME NO. 930/2014)

... RESPONDENT/RESPONDENT

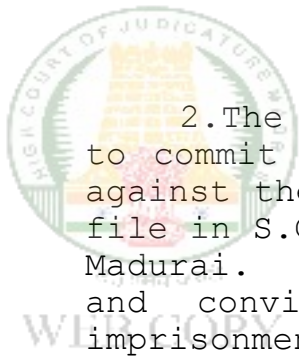
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence passed in Sessions Case No. 486 of 2016 dated 08.12.2021 on the file of the Learned Sessions Judge, Mahalir Neethimandram, Madurai pending disposal of the above said Crl Appeal.

PRAYER IN CRL A(MD) No.12 of 2022:

Pleased to call for the records pertaining to the Judgment made in S.C.No.486 of 2016 dated 08.12.2021 on the file of the Learned Sessions Judge, Mahalir Neethimandram, Madurai and set aside the same by allowing above appeal.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.POORNACHANDRAN.S, Advocate for the petitioner and of Mr.R.M.ANBUNITHI, Additional Public Prosecutor on behalf of the Respondent, the Court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Sessions Judge, Mahalir Neethi Mandram, Madurai, in S.C.No.486 of 2016 dated 08.12.2021, till the disposal of the appeal.



2.The case against the petitioner is that he induced his wife to commit suicide. A case in Crime No.930 of 2014 was registered against the petitioner under Section 306 IPC. The case was taken on file in S.C.No.418 of 2016 on the file of the Mahalir Neethimandram, Madurai. After trial, the trial Court found the petitioner guilty and convicted him and sentenced him to undergo six years imprisonment and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only) in default to undergo six months simple imprisonment for the offence under Section 306 IPC. Against the conviction and sentence imposed by the trial Court, the petitioner has filed a criminal appeal in Crl.A.(MD)No.12 of 2022 before this Court and along with the appeal, he filed this petition for suspension of sentence.

3.On the side of the petitioner, it is stated that the deceased is the wife of the petitioner. The deceased had two children through her first marriage and the children left the deceased with their father. The petitioner is the second husband of the deceased. He converted into Islam for the sake of marriage with deceased. They lived together only for a period of 7 months. The only allegation against the petitioner is that he demanded the jewels of the deceased for starting up a business. Since the petitioner has no job, he demanded the jewels of the wife for starting up a business. There is no positive act on the part of the petitioner to instigate the death of the wife. No charge under Section 498 A IPC or Dowry Prohibition Act was alleged against the petitioner. The owner of the house, in which the petitioner and the wife were residing, did not depose anything regarding the harassment. The trial Court has given more weightage to the evidence of PW2 rather than that of PW8. The trial Court has convicted the petitioner on the ground that it should be a lesson for the society which is unreasonable. There are much more points for argument in the appeal and prayed the sentence to be suspended.

4.On the side of the prosecution, it is stated that the PW1 and PW2 are mother and the sister of the deceased. Only due to the cruelty of the petitioner, the deceased was in a depressed mood. She left the earlier marriage only for the sake of the petitioner. To get the jewels of the deceased, the petitioner harassed the wife. The prosecution has examined 14 witnesses and marked 14 documents and proved the case beyond reasonable doubt and prayed the petition to be dismissed.

5.By way of reply, on the side of the petitioner, it is stated that the deceased was under depression only because she left her two children with the first husband. On the side of the prosecution it is stated that divorce was in the year 2011. Only after four years afterwards the deceased married the petitioner. If the deceased was depressed due to the separation of the children. She ought to have committed suicide much earlier and prayed the petition to be dismissed.



6.It is seen that the judgment is dated 08.12.2021 and it is a recent judgment. The allegation against the petitioner is serious in nature and in view of the same, this Court is not inclined to suspend the sentence at the present stage. Hence, this Criminal Miscellaneous Petition is dismissed.

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM, MADURAI.
- 2 THE INSPECTOR OF POLICE
S.S COLONY POLICE STATION, MADURAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.599 of 2022
IN
CRL A(MD) No.12 of 2022
Date :20/01/2022

PKP/PN/SAR-3/07.02.2022/3P/5C