



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

Thursday, the Tenth day of February Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL MP(MD) No.1677 of 2022

IN

CRL A(MD) No.456 of 2021

RAMAR

... PETITIONER/PETITIONER

Vs

THE ASSISTANT COMMISSIONER OF POLICE,
D2, SELLUR POLICE STATION, MADURAI.
CR.NO.1401 OF 2011.

... 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 conviction and sentence imposed upon the petitioner vide judgement dated 27/08/2021 made in Sessions Case No.74 of 2017, on the file of the Honourable court of the Sessions, Mahalir Neethimandram, Madurai.

CRL A(MD) No.456 of 2021:

Pleased to call for the records and set aside the Judgment dated 27.08.2021 made in Sessions Case No.74 of 2012 on the file of the Hon'ble Court of the Sessions, Mahalir Neethimandram, Madurai.

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.RAMESH.M, Advocate for the petitioner and of Mr.K.SANJAI GANDHI, Government Advocate(crl.side) on behalf of the Respondent, the Court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed in S.C.No.74 of 2012, dated 27.08.2021, by the learned Sessions Judge, Mahalir Neethimandram, Madurai.

2.The petitioner has been convicted by the trial Judge, for the alleged offence under Section 498(A) IPC, and sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for a period of one month and the trial Court also convicted the petitioner for the offence under Section 306 of IPC and sentenced him to undergo simple imprisonment for a period of six months and to pay a fine of Rs.7,000/-, in default to undergo simple imprisonment for a period of six months, in S.C.No.74 of 2012 on the file of the Sessions Judge, Mahalir Neethimandram, Madurai.



3.The learned counsel for the petitioner would submit that the prosecution has failed to prove the case for the offence under Section 306 IPC. The prosecution has also failed to mark the dying declaration, which was made by the deceased. However, the petitioner marked the same during the time of defence witness as Exs.D1 to D3. Accordingly, the deceased committed suicide by pouring kerosene and set fire for the reason that her husband refused to take food and as such she set fire on her own.

4.The learned Additional Public Prosecutor would submit that due to continuous harassment, the deceased committed suicide within three months from the date of the marriage and specific overt act has been attributed against the petitioner and the prosecution has proved the case beyond all reasonable doubts and prayed that the petition to be dismissed.

5.On perusal of the records, it reveals that the deceased and the petitioner got married on 06.02.2021. At the time of marriage, her parents presented 10 sovereign of gold jewels to the deceased along with other house hold articles. Immediately after the marriage, the petitioner and his parents mortgaged the jewels and repaid the loan amount. Thereafter, the petitioner tortured the deceased by demanding more dowry. Due to the torture given by the petitioner, on 14.05.2011, the deceased poured the kerosene on herself and set fire. In support of the case of the prosecution all the witnesses have spoken and the petitioner failed to make out the case for suspension of sentence. Since the petitioner has committed serious offence, this Court is not inclined to suspend the sentence.

6.Accordingly, this Civil Miscellaneous Petition is dismissed.

sd/-

10/02/2022

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/ /2022

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.

<https://hcservices.ecourts.gov.in/hcservices/>



2 THE ASSISTANT COMMISSIONER OF POLICE,
D2, SELLUR POLICE STATION, MADURAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP (MD) No.1677 of 2022
IN
CRL A (MD) No.456 of 2021
Date :10/02/2022

SS/JM/SAR-I/17.02.2022 : 3P/5C