



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

Monday, the Twenty Eighth day of March Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN
and
The Hon`ble Mr.Justice N.SATHISH KUMAR

CRL MP(MD) No.2197 of 2022
IN
CRL A(MD) No.41 of 2022

MAHESHKUMAR

... APPELLANT/ACCUSED

Vs

THE STATE REP. BY,
THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.
CRIME NO.89/2011.

... RESPONDENT/COMPLAINANT

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 of imprisonment imposed by the Learned Sessions Judge, Mahalir Neethimandram, Madurai in SC No.69/2015 dated 28/12/2021, moreover the appellant paid the fine amount Rs.2,00,000/- imposed by Hon'ble Sessions Judge, Mahalir Neethimandram, Madurai and enlarge the petitioner/appellant on bail pending disposal of the above said Criminal Appeal.

PRAYER IN CRL A(MD) No.41 of 2022 :

Pleased to set aside the and call for the records of the conviction and sentence passed against them of the Learned Sessions Judge, Mahalir Neethimandram, Madurai District, dated 28.12.2021 made in S.C.No.69/15 by allowing the present Criminal 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.DURAIPANDIAN K S, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner seeks suspension of life sentence imposed on him for the offences under Sections 304(b) and 498(A) of I.P.C., vide judgment dated 28.12.2021 in S.C.No.69 of 2015 on the file of the learned Sessions Judge, Mahalir Neethimandram, Madurai.



2. Heard Mr.K.S.Duraipandian, learned counsel appearing for the petitioner and Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the State.

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3. The accused as well as the victim were working as Assistant Professor. While the accused was working in SACS MAVMM College, Kidaripatti, the deceased was working as Assistant Professor in Senthilkumar Nadar College, Virudhunagar. It is the claim of the accused that the deceased committed suicide because of second abortion. The Sessions Court had convicted the accused for the offence under Section 498(A) of IPC only on the basis of the evidences of P.W.1 and P.W.2, who are the family members.

4. We find that the accused has made a *prima facie* case for suspension of sentence. Though the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent would attempt to buttress their respective claims by seeking support of the evidence, we do not propose to go into the sufficiency or otherwise of the evidence, which has been accepted by the trial Court, as it will have a bearing on the disposal of the appeal.

5. On overall analysis of the evidence, we find that it is the case for suspension of sentence. Accordingly, this Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended, subject to the following conditions:-

i. The petitioner is directed to be enlarged on bail on executing a bond for 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, Madurai.

ii. The petitioner shall appear before the learned Sessions Judge, Mahalir Neethimandram, Madurai at 10.30 a.m. on 1st and 4th Monday of every month, till the disposal of the appeal.

sd/-
28/03/2022

/ TRUE COPY /

28/3/2022
Sub-Assistant Registrar (C.S-III)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM, MADURAI.
2. THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.S.DURAIPANDIAN, Advocate (SR-2581[I] dated
28/03/2022)

ORDER
IN
CRL MP(MD) No.2197 of 2022
IN
CRL A(MD) No.41 of 2022
Date :28/03/2022

myr
USK/VR/SAR-III/28.03.2022/3P/6C