



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

Friday, the First day of April Two Thousand and Twenty Two

PRESENT

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

CRL MP(MD) No.4167 of 2022
AND
CRL A(MD)No.501 of 2021

ANAND

... PETITIONER/APELLANT

Vs

THE DEPUTY SUPERINTENDENT OF POLICE,
AVANIYAPURAM POLICE STATION,
TRHIRUPPARANKUNDARAM TALUK,
MADURAI DISTRICT.
(CR.NO.169/1998)

... RESPONDENT/RESPONDENT

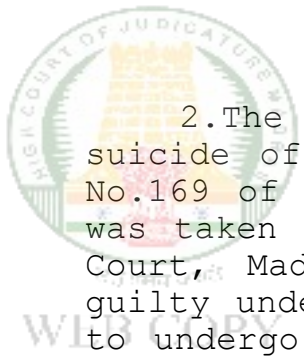
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed in S.C.No.194/2015 dated 25.10.2021 on the file of the Learned Sessions Judge, Mahalir Neethimandram, Madurai, till the disposal of the appeal.

PRAYER IN CRL A(MD)No.501/2021:

To call for the records relating to the judgment passed in S.C.No.194/2015 dated 25.10.2021 on the file of the Court of the Sessions Judge, Mahalir Neeithimandram, Madurai and set aside the same and acquit the appellant/accused No.1 from the charge leveled against him.

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.GOWRISHANKAR.R., Advocate for the petitioner and of M/s.M.AASHA, Government Advocate(crl.side) 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 Neethimandram, Madurai, in S.C.No.194 of 2015 dated 25.10.2021, till the disposal of the appeal.



2.The allegation against the petitioner is that he abetted the suicide of his wife and caused dowry harassment. A case in Crime No.169 of 1998 was registered against the petitioner and the same was taken on file as S.C.No.194 of 2015 on the file of the Mahila Court, Madurai. The Mahila Court, Madurai found the petitioner guilty under Section 498(A) of IPC and convicted and sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.10,000/- in default, to undergo six months simple imprisonment. Further, the trial Court found the petitioner guilty under Section 304 B of IPC and convicted and sentenced him to undergo seven years rigorous imprisonment and to pay a fine of Rs.10,000/- in default, to undergo one year simple imprisonment. Against the conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.501 of 2021. Along with the appeal, the petitioner has filed a petition in Crl.M.P.(MD)Nos.10553 of 2021 and 673 of 2022 for suspension of sentence and the same were dismissed by this Court, by an order dated 09.12.2021 and 24.01.2022 respectively. Again the petitioner has filed the present petition for suspension of sentence pending disposal of the said appeal.

3.On the side of the petitioner, it is stated that the earlier petition filed by the petitioner was dismissed only on the ground that the judgment is a recent one. Now nine months is over. The occurrence said to have taken place in the year 1998. Only after 23 years, the judgment was pronounced. The evidence of P.W.2 is not trustworthy. The deceased was not in a position to speak before the Revenue Divisional Officer, who was not examined a witness. Even in the statement of P.W.2, she has stated that the patient was unable to speak. In the FIR, it is stated that the deceased was unable to speak. But the trial Court wrongly believed the evidence of P.W.2. Only on the sole evidence of P.W.2, the petitioner was convicted. The petitioner is in custody for the past nine months and prayed the sentence to be suspended till the disposal of the appeal.

4.On the side of the prosecution, it is stated that the marriage between the petitioner and the deceased was solemnized on 03.09.1997. The victim set fire to herself on 25.05.1998 and she died in the hospital on 26.05.1998. Only due to the cruelty of the petitioner, the wife committed suicide within a period of nine months from the date of marriage. The prosecution has examined eight witnesses and marked ten documents and proved the case beyond all reasonable doubts and prayed the petition to be dismissed.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

6.The allegation against the petitioner is serious in nature. The suicide is within nine months from the date of marriage. The judgment is pronounced on 09.12.2021, which is a recent one. Earlier



673 of 2022 seeking to suspend the sentence and the same were dismissed by this Court, by an order dated 09.12.2021 and 24.01.2022 respectively. Since there is no change in circumstances, this petition is dismissed.

sd/-

01/04/2022

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/ /2022

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

TO

- 1 THE SESSIONS JUDGE,
MAHALIR NEEITHIMANDRAM, MADURAI.
- 2 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 3 THE DEPUTY SUPERINTENDENT OF POLICE,
AVANIYAPURAM POLICE STATION,
THIRUPPARANKUNDRAM TALUK,
MADURAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP (MD) No.4167 of 2022
AND
CRL A (MD) No.501 of 2021
Date :01/04/2022

SA/PN/SAR.2/06.04.2022/3P/5C