



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

Monday, the Fourth day of April Two Thousand and Twenty Two
PRESENT

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

CRL MP(MD) No.4239 of 2022

IN

CRL A(MD) No.13 of 2022

CHINNATHAL

... APPELLANT/ACCUSED NO.2

Vs

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

... 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 of imprisonment awarded against the accused No.2(Chinnathal) by 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 pending disposal of this criminal appeal.

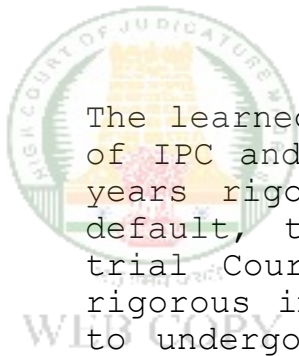
PRAYER IN CRL A(MD) No.13 of 2022:

To call for the records and to allow the appeal 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 M/S.GANAPATHI SUBRAMANIAN.P, Advocate for the petitioner and of M/S.M.AASHA, Government Advocate on behalf of the Respondent, the court made the following order:-

This petition is 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 petitioner 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 accused persons 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 accused persons 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 petitioner has preferred an appeal before this Court in Crl.A.(MD)No.13 of 2022. Along with the appeal, 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 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 accused persons and foisted a false case against them. 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 petition to be dismissed.

5.The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future, considering the period of incarceration and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of suspension of sentence.

6.Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood relatives, each for a like sum to the satisfaction



of the learned Sessions Judge (FAC), Mahila Court, Pudukkottai.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the respondent police daily at 10.30 a.m for a period of two weeks, thereafter, once in a month, till the disposal of this Criminal Appeal.

sd/-

04/04/2022

/ TRUE COPY /

/04/2022

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, (FULL ADDITIONAL CHARGE),
MAHILA COURT, PUDUKKOTTAI.

2 THE INSPECTOR OF POLICE
REGUNATHAPURAM POLICE STATION, PUDUKKOTTAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON (WOMEN)
TRICHY.

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

+1 CC to M/s.P.GANAPATHISUBRAMANIAN, Advocate (SR-2917[I] dated 04/04/2022)

ORDER IN
CRL MP(MD) No.4239 of 2022
IN
CRL A(MD) No.13 of 2022
Date :04/04/2022

SA/JM/SAR.4/05.04.2022/3P/6C

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