



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

Monday, the Twenty Seventh day of June Two Thousand and Twenty Two

PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

Crl M.P.(MD)No.5720 of 2022
in
Crl.A.(MD) No.328 of 2022

SENTHILPANDI

... PETITIONER / APPELLANT

Vs

THE STATE REP.BY,
THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUPARANKUNDRAM DIVISION,
THIRUNAGAR POLICE STATION,
MADURAI CITY.
(CRIME NO.578/2012)

... 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 o the petitioner in SC No.517/2016 dated 07.03.2022 on the file of the Learned Sessions Judge, Mahalir Neethimandram, Madurai and enlarge him on bail pending disposal of the appeal.

Prayer in Crl.A.(MD) No.328 of 2022:

To call for the records and set aside the order of conviction and sentence passed in S.C.No.517/2016 dated 07.03.2022 on the file of the Learned Sessions Judge, Mahalir Neethimandram, Madurai and allow this appeal and acquit the Appellants/Accused from the charge leveled against the them.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.R.SELVARAJ, Advocate for the petitioner and of MR.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

RESERVED ON: 21.06.2022

PRONOUNCED ON: 27.06.2022

The above petition has been filed seeking orders to suspend the sentence imposed on the petitioner/accused in S.C.No.517 of 2016, on the file of the Sessions Court, Mahalir Neethimandram, Madurai, dated 07.03.2022 and enlarge him on bail till the disposal of the



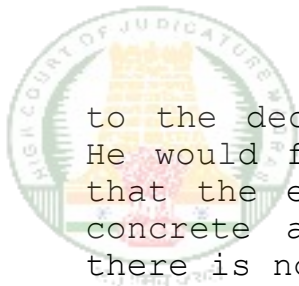
2. The case of the prosecution is that the petitioner/accused and the deceased got married on 31.05.2022 and after their marriage, they resided at Harveypatti, that 10 days prior to the death of the deceased, the petitioner and his mother demanded a sum of Rs.1,00,000/- to settle their loan and cruelty was committed to the deceased by both the accused by demanding money and due to that, the deceased got depressed and as a result, she committed suicide by self immolation on 28.09.2012. Hence, the present case was registered against the accused under Section 4 of TNPHW Act and Section 304(B) I.P.C., in Cr.No.578 of 2012. After investigation, a charge sheet has been filed and the same was taken on file in S.C.No.517 of 2016.

3. During trial, 13 witnesses have been examined as P.W.1 to P.W.13 and 13 documents have been exhibited as Exs.P.1 to P.13 and 2 material objects were marked as M.O.1 and M.O.2. The petitioner/appellant has not adduced any oral evidence, however marked 3 documents as Exs.D.1 to D.3. The learned Sessions Judge, Mahalir Neethimandram, Madurai, upon considering the evidences adduced and on hearing the arguments of both sides, has passed the impugned judgment dated 07.03.2022, convicting the petitioner/accused for the offence under Section 498(A) and 304(B) I.P.C., and sentenced him to undergo 3 years Rigorous Imprisonment and to pay a fine of Rs.25,000/-, in default to undergo six months Simple Imprisonment for the offence under Section 498(A) I.P.C., and sentenced him to undergo 10 years Rigorous Imprisonment for the offence under Section 304(B) I.P.C.

4. Challenging the judgment of conviction and sentence imposed on him, the second accused has preferred the above Criminal Appeal along with the application for suspension of sentence.

5. The learned Counsel for the petitioner/appellant would submit that the trial Court has failed to consider three different statements given about dowry demand, which are contrary to the prosecution story and that three different views were taken as per the evidence of P.W.1 to P.W.3 and the suppression of the earlier complaint. He would further submit that the trial Court has failed to consider the defence of the petitioner with respect to RDO report, that the report of the RDO does not conclude that there was dowry demand and that the trial Court has come to the decision only on the basis of the interested testimony of the family members of the deceased.

6. The learned Additional Public Prosecutor appearing for the State would submit that the grounds raised by the petitioner are vague and unsustainable, that P.W.1 has specifically deposed about the dowry demand and the harassment which was corroborated by the evidence of P.W.2 and that the trial Court has specifically observed



to the deceased by demanding Rs.1,00,000/- for settling t¹. He would further submit that the trial Court has rightly observed that the evidence of the material witnesses are clear, cogent and concrete and their evidences are believable and trustworthy and there is no reason to discard their evidence.

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7. Considering the seriousness and the gravity of the offence alleged and also the fact that the impugned judgment was passed on 07.03.2022 and also taking note of the period of incarceration, this Court is not inclined to suspend the sentence at this point of time.

8. In the result, the Criminal Miscellaneous Petition is dismissed.

sd/-

27/06/2022

/ TRUE COPY /

/07/2022

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 JUDGE,
SESSIONS COURT, MAHALIR NEETHIMANDRAM,
MADURAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUPARANKUNDRAM DIVISION,
THIRUNAGAR POLICE STATION, MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

Crl M.P.(MD) No.5720 of 2022
in Crl.A.(MD) No.328 of 2022
Date :27/06/2022

SSL

<https://www.mh.judiciary.gov.in/> 01.07.2022/3P/5C