



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

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

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.5668 of 2022

IN

CRL A(MD) No.13 of 2022

DINESH @ DINESHWARAN

... PETITIONER/APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
REGUNATHAPURAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
(IN 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 order to suspend the sentence of imprisonment awarded against the accused no.1 (Dinesh @ Dineshwaran) by the judgment dated 28.12.2021 in S.C.No.61 of 2020 on the file of the Learned Session 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 and 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 MR.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondents the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner/first accused by the learned Sessions Judge (Full Additional Charge), Mahila Court, Pudukkottai, in S.C.No.61 of 2020 dated 28.12.2021.

2.The case of the prosecution is that the first accused and the deceased Eswari were in love, that when the defacto complainant, who is the mother of the deceased, had given acceptance for giving the deceased in marriage to one Rameshkumar, the first accused threatened the deceased as if he would spoil her life, that the second accused, who is the mother of the first accused, had also gone to the house of the defacto complainant and shouted at them and



that due to mental stress, the deceased Eswari committed suicide by hanging.

3. On the basis of the complaint, FIR came to be registered in Crime No.70 of 2012 for the offence under Section 306 IPC. After completing the investigation, the respondent police has laid a final report for the offence under Section 306 IPC as against the petitioner/accused.

4. During the trial, the prosecution has examined 7 witnesses as P.W.1 to P.W.7, exhibited 12 documents as Ex.P1 to Ex.P12 and no material object was marked, whereas, the accused has adduced neither oral nor documentary evidence.

5. After completing the trial, the learned Sessions Judge found the petitioner guilty and convicted him for the offence under Section 306 IPC and sentenced him to undergo ten years Rigorous Imprisonment and to pay a fine of Rs.50,000/-, in default, to undergo one year Rigorous Imprisonment. Aggrieved by the said Judgment of conviction and sentence, the petitioner/accused has preferred the present appeal along with the above Miscellaneous Petition seeking suspension of sentence.

6. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

7. The learned counsel for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

8. The learned Additional Public Prosecutor appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

9. No doubt, the earlier applications for suspension of sentence filed by the petitioner in Crl.M.P.(MD)Nos.774 and 2581 of 2022 were dismissed by this Court vide order dated 28.01.2022 and 23.02.2022.

10. Considering the above facts and circumstances of the case and also considering the seriousness and gravity of the offence alleged against the petitioner and also the fact that the petitioner has been in incarceration from the date of Judgment i.e., on 28.12.2021, this Court is not inclined to grant suspension of sentence to the petitioner.



11. In the result, this Criminal Miscellaneous Pet. is dismissed.

sd/-
27/06/2022

/ TRUE COPY /

WEB COPY

/07/2022

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

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

ORDER
IN
CRL MP (MD) No.5668 of 2022
IN
CRL A (MD) No.13 of 2022
Date :27/06/2022

RS/VR/SAR.4 (05.07.2022) 3P-5C