



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

Thursday, the Nineteenth day of May Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL MP(MD) No.6097 of 2022
IN
CRL A(MD) No.501 of 2021

ANAND

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
AVANIYAPURAM POLICE STATION,
THIRUPPARANKUNDRAM TALUK,
MADURAI DISTRICT.
CRIME 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 of 2021:

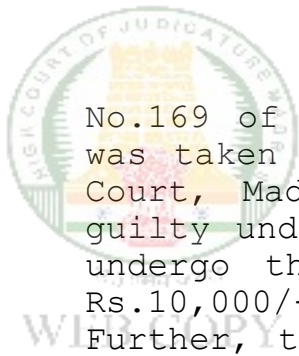
Pleased to call for the records relating to the judgment passed in S.C.No.194/2015 dated 25.10.2021 on the file of the Court of the Sessions Judge, Mahalir Neethimandram, Madurai and set aside the same and acquit the appellant/accused No.1 from the charge leveled against him.

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.K.RADHAKRISHNAN, Advocate for the petitioner and of M/s.M.AASHA, Government Advocate(crl.side) on behalf of the Respondent, While admitting the CRL.A, 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

<https://hcservices.ecourts.gov.in/hcservices/>



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) 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 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 petitions in Crl.M.P.(MD)Nos.10553, 673 and 4167 of 2022 and the same were dismissed by this Court, by an order dated 09.12.2021, 24.01.2022 and 01.04.2022 respectively. Again the petitioner has filed the present petition for suspension of sentence pending disposal of the said appeal.

3. The learned counsel appearing for the petitioner submitted that the petitioner is in custody for more than six months and it is the fourth application and hence, prayed the sentence to be suspended till the disposal of the appeal.

4. Heard the submission of the learned Government Advocate (Crl.Side).

5. Considering the facts and circumstances of the case and also considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall execute a bond for a sum of 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 and on further condition that the petitioner shall appear before the said Court weekly once i.e., on every Wednesday at 10.30 a.m. pending disposal of the appeal.

sd/-
19/05/2022

/ TRUE COPY /

19/05/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM, 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.

+1 cc to Mr.R.GOWRISHANKAR, Advocate, SR.No.4919 (Date:20/05/2022)

ORDER

IN

CRL MP(MD) No.6097 of 2022

IN

CRL A(MD) No.501 of 2021

Date :19/05/2022

SA/SVR/SAR.3/19.05.2022/3P/6C