



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

Wednesday, the Twenty Ninth day of June Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL MP (MD) No.6502 of 2022

IN

CRL A (MD) No.295 of 2022

CHINNATHAMBI

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
NATHAM POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.338 OF 2014.

... RESPONDENT/COMPLAINANT

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 on the Petitioner by the Honble Sessions Judge, Fast Track Mahila Court, Dindigul in SC.No.108 of 2017 dt.24.3.2022 and release the Petitioner on bail pending disposal of the above Criminal Appeal.

PRAYER IN CRL A (MD) No. 295 OF 2022:

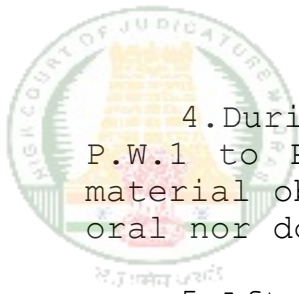
To call for the records pertaining to the Judgment made in S.C.No. 108 of 2017 dated 24.03.2022 on the file of the learned Sessions Judge, Fast Track Mahila court, Dindigul and set aside the same and acquit the Appellant herein by allowing this Appeal.

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.MANOHAHARAN V.R., Advocate for the petitioner and of 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/accused by the learned Sessions Judge, Fast Track Mahila Court, Dindigul, in S.C.No.108 of 2017 dated 24.03.2022, till the disposal of the Criminal Appeal.

2. The case of the prosecution is that the petitioner had committed sexual harassment on the deceased Banupriya, due to that, the said Banupriya had committed suicide by consuming poison.

3. On the basis of the complaint, FIR came to be registered in Crime No.338 of 2014 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 9 witnesses as P.W.1 to P.W.9, exhibited 13 documents as Ex.P1 to Ex.P13 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.10,000/-, in default, to undergo six months Simple 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 the respondent police has arrested the petitioner even before the registration of the FIR and that while the deceased was taken to the hospital, she had not given any statement to P.W.1 and P.W.2.

8. The learned counsel for the petitioner would further 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.

9. 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.

10. No doubt, the earlier application for suspension of sentence filed by the petitioner in Crl.M.P.(MD)No.5098 of 2022 was dismissed by this Court vide order dated 22.04.2022.

11. 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 24.03.2022, this Court is not inclined to grant suspension of sentence to the petitioner.

12. In the result, this Criminal Miscellaneous Petition is dismissed.

sd/-

29/06/2022

/ TRUE COPY /

/07/2022

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



- 1 THE SESSIONS JUDGE
FAST TRACK MAHILA COURT, DINDIGUL.
- 2 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE
NATHAM POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP (MD) No.6502 of 2022
IN

CRL A (MD) No.295 of 2022

Date :29/06/2022

SA/VR/SAR.4/05.07.2022/3P/5C