



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD). No.6803 of 2022

in

CRL.A.(MD).No.243 of 2022

KARUPPAIAH @ SURESH

... APPELLANT / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID, MADURAI
(CRIME NO.01 OF 2013)

... RESPONDENT / COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased suspend the sentence imposed by the learned Sessions Judge, Mahalir Neethimandram, Madurai in S.C.No. 137 of 2015 Dated. 02.03.2022 and enlarge the appellant on bail pending disposal of the above said Crl.A.

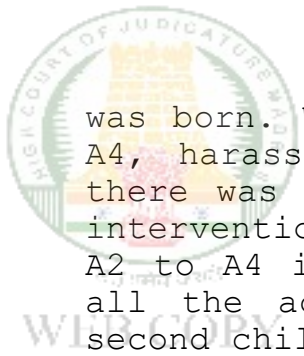
Prayer in CRL.A.(MD).No.243 of 2022:

To call for the records and set aside the sentence and conviction imposed by the Learned Sessions Judge, Mahalir Neethimandram, Madurai in S.C.No.137 of 2015 dated 02.03.2022.

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.S.M.A.JINNAH, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence passed in S.C.No.137 of 2015 dated 02.03.2022, on the file of the learned Sessions Judge, Mahalir Neethimandram, Madurai, till the disposal of this Criminal Appeal.

2.The case of the prosecution is that the petitioner/A1 was working as Teacher by profession. There are two deaths in this case, who are mother aged about 37 years and daughter aged about 3 years. The deceased mother, who worked as Police Constable, is the wife of the petitioner. The marriage between the petitioner and his



was born. While so, the petitioner/A1, at the instigation of A2 to A4, harassed his wife to give her entire salary amount. Hence, there was misunderstanding between them in the year 2009. At the intervention of the elders, they lived together. At that juncture, A2 to A4 instigated the petitioner to desert his wife and thereby all the accused compelled the deceased to get conceive for the second child, but the deceased refused. On 16.01.2011, the deceased delivered a girl baby and the newly born girl baby was differentially abled child with deformed legs, deaf and dumb. Hence, all the accused pointed the physical disability of the child and thereby continuously tortured the deceased. The deceased was deeply depressed due to continuous harassment and torture caused by all the accused with regard to not giving her entire salary amount, money for purchasing house, delivery of handicapped deaf and dumb girl baby. Hence, she decided to end her life along with her girl child. Thus, the deceased has written two suicidal notes among which, one was addressed to the Superintendent of Police, Madurai and another one was addressed to her sister Gowri. On 02.09.2013 at about 10.30 p.m., the deceased committed suicide by poisoning herself and her daughter in the upstairs of her parents house at Peraiyur.

3.On the basis of the complaint, FIR came to be registered in Crime No.177 of 2013 for the offence under Sections 498(A) and 306 IPC. After completing investigation, the respondent police has laid the final report for the offence under Sections 498(A) and 306 IPC as against the petitioner/accused along with other accused. After completing the trial, the learned Sessions Judge found the petitioner guilty and convicted him for the offence under Section 498(A) IPC and sentenced him to undergo three years Rigorous Imprisonment and to pay a fine of Rs.2,00,000/- in default to undergo six months Simple Imprisonment and for the offence under Section 306 IPC and sentenced him to undergo ten years Rigorous Imprisonment and to pay a fine of Rs.3,00,000/- in default to undergo one year Simple Imprisonment. Aggrieved by the said Judgment of conviction and sentence, the petitioner/A1 has preferred the present appeal along with the above Miscellaneous Petition seeking suspension of sentence.

4.It is not in dispute that this Court in Crl.M.P.(MD)No.3920 of 2022, dated 22.04.2022, has granted suspension of sentence to the co-accused, but considering the fact that there are incriminating materials to attract the offence as against the petitioner/A1 herein, the application was dismissed sofar as the present petitioner/A1 is concerned.

5.The learned counsel for the petitioner would submit that the trial Court has convicted the petitioner/A1 without appreciating the evidence of the prosecution and that they are having very good grounds for setting aside the impugned Judgment.



6.The learned Additional Public Prosecutor would submit that the deceased had left two suicide notes by specifically implicating the petitioner/A1 herein and there are many incriminating materials available to attract the offence as against the present petitioner/A1.

7.Considering the above facts and circumstances of the case and also considering the seriousness and gravity of the offence alleged and also the fact that the petitioner has been in incarceration from the date of Judgment i.e., on 02.03.2022, this Court is not inclined to grant suspension of sentence to the petitioner.

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

sd/-

27/06/2022

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/06/2022

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

TO

- 1 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM, MADURAI.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID, MADURAI
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) . No.6803 of 2022
in

CRL.A.(MD).No.243 of 2022

Date :27/06/2022

MK/PN/SAR.II/30.06.2022/3P/5C