



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

Wednesday, the Twenty Eighth day of September
Two Thousand and Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL MP(MD) No.8929 of 2022
in CRL A(MD). 295 of 2022

CHINNATHAMBI

... PETITIONER/APPELLANT

Vs

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 Hon`ble Sessions Judge, Fast Track Mahila Court, Dindigul in S.C.No. 108 of 2017, Dated 24.03.2022 and release the petitioner on bail pending disposal of the above Crl.A.

Prayer in CRL A(MD). 295/ 2022 :

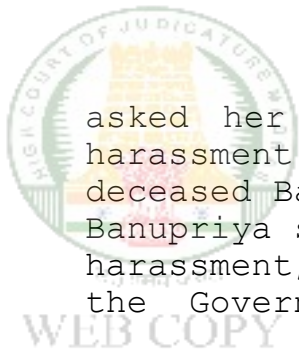
Petition to be filed U/s.374(2) of Criminal Procedure Code call for records pertaining to the judgment made in S.C.No.108 of 2017 dated 24.03.2022 on the file of the learned Sessions judge, Fast track Mahila Court, Dindigul and set aside the same and acquit the appellant herein.

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.R.ARAVIND RAJ, Advocate for the petitioner and of Mr.S.MANIKANDAN, Govt. Advocate(Crl Side) for the Respondent the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Sessions Judge, Fast Track Mahila Court, Dindigul, in S.C.No.108 of 2017, dated 24.03.2022 and enlarge the petitioner on bail, pending disposal of the main appeal.

2.Facts in brief:-

On 20.09.2014, when the deceased Banupriya was present in the court, which belongs to one Muthuselvan, the accused came there and



asked her to marry him, insulted her and also committed sexual harassment. Further, he took away the shawl, worn by the above said deceased Banupriya. Because of the above said conduct, misbehaviour, Banupriya suffered mental agony and because of the above said sexual harassment, she consumed poison on the same day. She was taken to the Government Hospital, Natham, where she was declared dead.

3. On the basis of the above said occurrence, case was registered for the offence punishable under Section 306 IPC. After investigation, final report was filed under Section 173(2) Cr.P.C before the District Munsif cum Judicial Magistrate, Natham, alleging that this petitioner abetting the commission of suicide by the deceased and so, he is liable to punishment under Section 306 IPC.

4. On the side of the prosecution, 9 witnesses were examined and 13 documents marked. On the side of the accused none was examined and no document marked.

5. At the conclusion of the trial, the Trial Court found the petitioner guilty and convicted him for the offence under Section 306 IPC and sentenced him to undergo 10 years Rigorous Imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo 6 months Simple Imprisonment.

6. Challenging the judgment of conviction and sentence, this appeal has been preferred. Pending the appeal, seeking suspension of sentence, this petition came to be filed.

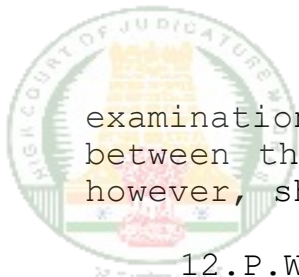
7. The earlier application that was filed by the petitioner came to be dismissed by this Court in Cr.MP(MD)No.6502 of 2022 on 29.06.2022. After a lapse of 3 months, this petition came to be filed.

8. The learned counsel for the petitioner would submit that even as per the evidence of P.W.3, there was previous love affair between the deceased and this petitioner. That was condemned by the parents of the deceased. Over the above said issue only, the deceased committed suicide. He would further submit that there was panchayat between the parties on the earlier occasion. The poisonous substance was not recovered during the course of investigation.

9. Per contra, the learned Government Advocate (Crl.Side) would submit that during the course of investigation proper materials have been collected and finding that the petitioner has abetted the suicide, conviction was rewarded.

10. Heard both side and records perused.

11. P.W.1 is the mother of the deceased. She was the eye-witness to the occurrence. According to her, the petitioner made harassment to the deceased by pulling the shawl of the deceased. During cross-



examination, it was admitted by P.W.1 that there was love affair between the deceased and the petitioner for about 1 ½ years. But, however, she warned the deceased about the affair.

12.P.W.2 has stated that the petitioner was making trouble to the deceased to marry him. P.W.3 has stated that there was panchayat in village over the affair between the petitioner and the deceased some two years prior to the occurrence. Banupriya was condemned by the panchayathars.

13.From the evidence of these two persons it is seen that there was love affair between the deceased and the petitioner herein. What happened after the above said panchayat is a matter for consideration in the appeal. Whether there was any abetment of suicide by the petitioner is also a matter for consideration in the appeal.

14.Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to suspend the sentence imposed upon the petitioner.

15.Accordingly, the suspension of sentence petition is **allowed** and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal 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, Fast Track Mahila Court, Dindigul, and on further condition that the petitioner shall appear before the said Court **once in a week at 10.30 a.m.** pending appeal.

sd/-
28/09/2022

/ TRUE COPY /

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

TO

1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, DINDIGUL.

2. THE JUDICIAL MAGISTRATE, NATHAM, DINDIGUL DISTRICT.

3. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

<https://www.mhc.tn.gov.in/judis>



4 THE INSPECTOR OF POLICE
NATHAM POLICE STATION, DINDIGUL DISTRICT

5 THE SUPERINTENDENT,
CENTRAL PRISON MADURAI.

6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.ARAVIND RAJ, Advocate (SR-10619[I] dated
28/09/2022)

ORDER
IN
CRL MP(MD) No.8929 of 2022
Date :28/09/2022

TR/GB/SAR-I (30.09.2022) 4P 8C