



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

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

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL.M.P.(MD)No.10114 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.1 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 to 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 Criminal Appeal.

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

This Criminal Miscellaneous Petition is filed to 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 petitioner on bail, pending disposal of the above said Criminal Appeal.

2.(i) The case of the prosecution is that the first accused was married to the deceased. The marriage between them took place on 12.12.2005. On 07.01.2007, a male child was born. After that, at the

<https://www.mh12.org.in>



instigation of the accused No.2 to 4, the first accused harassed the deceased to give her entire salary amount. So, there was misunderstanding between them. Later, that was compromised and lived together. Again, at the instigation of accused 2 to 4, the first accused, deserted the deceased. Later, the deceased became pregnant. On 16.01.2011, a girl baby was born. But, the baby was differentially abled with deformed legs, deaf and dumb. Because of that, all the accused persons joined together caused harass and torture and also demanded entire money earned out of salary for the purpose of purchasing house. Because of torture, unable to bear the same, she committed suicide by poisoning herself on 02.09.2013. On the basis of the above said occurrence, case was registered and all the accused persons were arrested.

(ii) 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 to undergo ten years Rigorous Imprisonment and to pay a fine of Rs.3,00,000/- in default to undergo one year simple imprisonment. Accused No.3 & 4 were also convicted and sentenced to undergo various period of punishment as noted in the judgment.

(iii) The petitioner was taken to the prison to serve the sentence period. He filed suspension of sentence petition before this Court along with accused No.3 & 4 in CrI.MP(MD).No.3920 of 2022. That was partly allowed on 22.04.2022, insofar as the accused No.3 & 4 is concerned and this petitioner is concerned, it was dismissed. Later, the petitioner filed CrI.MP(MD)No.6803 of 2022. That was also dismissed by this Court, dated 27.06.2022.

(iv) After a lapse of more than two months, this petition came to be filed with new set of grounds. The main ground is that the petitioner is suffering from Epilepsy disease and he was also taking treatment in Government Rajaji Hospital, Madurai. Later, he was discharged. Now, he is in prison.

3. According to the learned counsel for the petitioner, because of the above said Epilepsy disease, day-by-day his health condition is deteriorating. Even though, some other ground has also been raised to the effect that absolutely there is no harassment at the hands of the petitioner. Dejected over the birth of differentially abled child with deformed legs, deaf and dumb, she got depressed and committed suicide. But, the trial Court appreciated the evidence and facts and circumstances of the case, found the petitioner guilty.

4. Even though, the ground on which, suspension of sentence has been sought by the petitioner was negatived twice by this Court, once again, as mentioned earlier, a new ground of health issue has



5.The learned Additional Public Prosecutor would submit that from the records submitted by the concerned Prison Authorities, Central Prison, Madurai, and the Doctor attached to the Prison Hospital, Central Prison, Madurai, now, the health condition petitioner is stable and he is leading normal life in Prison. The medical report of the Doctor attached to the Prison, dated 29.08.2022, stated that now, he is under regular anti-epileptic medications. Even though, his condition is now, normal.

6.It is seen that the main appeal may take some more time for final disposal. So, on the sole ground of medical illness, the sentence can be suspended. So that, he can take treatment out of the Prison Hospital.

7.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, Mahalir Neethimandram, Madurai, and on further condition that the petitioner shall appear before the said Court once in a month at 10.30 a.m. pending appeal.

sd/-
08/09/2022

/ TRUE COPY /

12/09/2022
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.M.P. (MD) No.10114 of 2022
in
CRL.A. (MD) No.243 of 2022
Date :08/09/2022

MK/SBN/SAR.IV/12.09.2022/3P/5C