



CRL.M.P.(MD)No.10879 of 2022

**CRL.M.P. (MD)No.10879 of 2022**  
**in**  
**CRL.A. (MD)No.411 of 2022**

WEB COPY

**G.ILANGO VAN, J.**

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed against the petitioner in Spl.S.C.No.43 of 2016, dated 14/06/2022 by the Sessions Judge, Mahila Court, Madurai and enlarge the petitioner on bail pending disposal of the criminal appeal.

2.The case of the prosecution is that the de-facto complainant, who is the father of the deceased Preetha lodged a complaint stating that the marriage between his daughter and A1 was performed, on 20/01/2021. At the time of marriage, she was provided with 16 sovereigns of gold jewels and house-hold articles worth about Rs.1,00,000/-. After the marriage, they were living happily for three months. While so, the ear ring of his daughter was found missing. So the accused persons harassed his daughter by demanding additional dowry and also driven out of the matrimonial house demanding Rs,1,00,000/-. After that, the de-facto complainant taken back to her matrimonial home by saying that they will arrange Rs.1,00,000/- after some time. Even thereafter the torture continued. So the deceased informed her parents through phone that the



**CRL.M.P.(MD)No.10879 of 2022**

accused have been harassing her continuously and during Valaikappu ceremony five sovereigns of gold bangle of the deceased, which was kept in the bureau was found missing and the accused persons harassed her as if she alone taken the bangle and the accused had not even seeing the baby; Subsequently panchayat was held and separate house was arranged, but also again torture continued. So the deceased committed suicide by hanging herself, on 19/01/2021. Based on the complaint given by the de-facto complainant, FIR came to be registered in Crime No.19 of 2021 under section 174 Cr.P.C. After investigation, the case was altered into section 304(B) IPC and under section 4(b) of TNPHW Act. On the side of the prosecution, 19 witnesses were examined and 11 documents were marked. On the side of the accused, neither oral evidence nor documentary has been adduced.

3.At the conclusion of the trial, the trial court found the petitioner/A2 guilty and sentenced her to undergo 3 years R/I and pay fine of Rs.1000/- with default clause for the offence under section 498(A) IPC; and 7 years R/I for the offence under section 304(B) IPC and five years R/I and to pay a fine of Rs.50,000/- with default clause for the offence under section 4(B) of TNPHW Act. Challenging the above said conviction and sentence, criminal appeal has been preferred before this court. Pending appeal, this



miscellaneous petition has been seeking suspension of sentence.

WEB COPY

4.Heard both sides.

5.The only point for consideration in this petition is whether the suspension of sentence can be ordered in favour of the petitioner for the reasons stated in the petition.

6.As mentioned above, the case of the prosecution is that this petitioner/A2 along with A1 demanded Rs. 1,00,000/- as dowry and made continuous harassment to the deceased, over which she committed suicide.

7.The learned counsel appearing for the petitioner would rely upon various circumstances as well as the evidence that has been advanced by the prosecution for that purpose. Even as per the case of the prosecution, the deceased as well as A1 were residing separately and this petitioner was staying away; So it cannot be construed as harassment occurred at the hands of this petitioner soon before death; He would also rely upon the evidence of PW1 in page Nos.64 and 65 and the evidence of PW3 in page Nos. 85, 90, 94, 101 and 112 and the evidence of PW5 to support his point to the effect that soon before the death, there



**CRL.M.P.(MD)No.10879 of 2022**

is no allegation of harassment against this petitioner.

WEB COPY

8.Per contra, the learned Additional Public Prosecutor would submit that the evidence has been clearly let in by the prosecution to show that there was continuous harassment at the hands of the accused persons demanding Rs.1,00,000/- as dowry.

9.The entire file has been perused. No doubt that before the death, A1 and the deceased were residing in a separate family. Trouble has arisen between two family members, due to missing jewels on more than one occasion. The first quarrel arose, when the ear ring was found missing. The second quarrel arose when the bangle was missing. Because of the above said continuous missing of jewels, there were some sort of trouble between two family members. Later, it was compromised and A1 and the deceased started living separately. During the course of separate living only, the above said suicide has been committed by the deceased.

10.Even though, PW1 and PW2 were clear to the effect that there was continuous harassment demanding Rs. 1,00,00/-, since because, there was compromise between the parties and the husband and wife are living separately, whether this compromise snapped, live-link of harassment



**CRL.M.P.(MD)No.10879 of 2022**

and suicide is the only point to be decided in the appeal.

11. Even though finding has been recorded by the trial court that there is continuous harassment and there was a continuous live link between the harassment and the suicide, the correctness of the same is found to be addressed during appeal.

12. Considering the above said aspect and also considering the fact that it will take time to hear the main appeal for disposal, I am inclined to enlarge the petitioner on bail, by suspending the substantive part of sentence. Accordingly, the suspension of sentence petition is **allowed** and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal on the following conditions:-

(i) 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 Judicial Magistrate No.IV, Madurai; and

(ii) on further condition that the petitioner shall appear before the said Court once in a week i.e., on the first working day of every week at 10.30 am



CRL.M.P.(MD)No.10879 of 2022

pending appeal.

WEB COPY

**16.09.2022**

Index : Yes/No  
Internet : Yes/No  
er

Copy to:-

The Superintendent,  
Central Prison,  
(Women Cell), Madurai.

G. ILANGO VAN, J.



WEB COPY



CRL.M.P.(MD)No.10879 of 2022

er

CRL.M.P. (MD) No.10879 of 2022  
in  
CRL.A. (MD) No.411 of 2022

16.09.2022