



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

Tuesday, the Eighth day of November Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL MP(MD) No.12883 of 2022

IN

CRL A(MD) No.311 of 2022

WEB COPY

1 PERUMAL
2 LINGAPPAN

... APPELLANTS/ACCUSED NO.1 & 2

Vs

State Rep.by
THE INSPECTOR OF POLICE
M.CHATTRAPATTI (OOMACHIKULAM) POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.360/2011).

... 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 against the petitioner in S.C.No.80/2015 dated 28.02.2022 on the file of the Session Judge, Mahila Court, Madurai and enlarge them on bail pending disposal of above Criminal Appeal.

Prayer in CRL A(MD).311 of 2022 :

To call for the records and set aside the conviction and sentence passed against them by the Learned Sessions Judge, Mahalir Neethimandram, Madurai District, dated 28.02.2022 made in S.C.No.80/15 by allowing the present criminal 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.SUBASH BABU M, Advocate for the petitioners and of MR.S.MANIKANDAN, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

This petition is filed by the petitioners/A1, A2 to suspend the sentence passed in S.C.No.80 of 2015, dated 28.02.2022, on the file of the Sessions Judge, Mahila Court, Madurai.

2.The case of prosecution in brief:

In this case, there are totally four accused. The second accused viz., Lingappan was married to the deceased. The first accused is the father-in-law of the deceased. He misbehaved with the deceased and forced her for sexual intercourse. When that was informed to other accused persons, they advised her to adjust with the first accused. They also abetted the deceased to commit suicide. Due to continuous trouble caused by the accused persons, the deceased committed suicide on 02.05.2011.



3. Based upon the complaint given by the defacto complainant, a case was registered. During the course of trial, 14 witnesses have been examined and 13 documents were marked, apart from that, one material object was marked, on the side of prosecution. At the conclusion of trial, the trial Court held that A1 and A2 were found guilty, under Section 306 IPC and thereby they were convicted and sentenced to undergo rigorous imprisonment, for 7 years each and to pay a fine of Rs.25,000/- each. Challenging the same, both the accused persons filed this petition, for suspension of sentence.

4. This the third petition filed by the petitioners seeking suspension of sentence. At the time of hearing, the learned counsel for the petitioners would submit that if this Court is not inclined to grant bail to the first petitioner, by suspending the sentence, he is ready to withdraw this petition, in respect of first petitioner is concerned.

5. The learned counsel for the petitioners would submit that so far as the second petitioner is concerned, he is the husband and noway involved in the dispute between the first petitioner and the deceased. Only a limited allegation is made against this petitioner that when sexual harassment of the first petitioner was brought to the knowledge of this petitioner, he did not take any proper care and also protect the deceased. According to the learned counsel for the petitioners, the alleged inaction on the part of the second petitioner will not come under the ingredients of abetment of suicide. For that purpose, he would rely upon the Judgment of **Hon'ble Supreme Court rendered in M.Arjunan Vs State rep. by its Insector of Police**. It is a matter for consideration at the time of appeal whether the second petitioner along with the first petitioner created a circumstance, which drove the deceased to commit suicide.

6. It is very unfortunate to note that child aged about 7 years, attempted to rescue her mother from the burn injuries, by fire engulfed her suddenly, she also died in the same occurrence. Only on considering the above fact, the earlier two applications came to be dismissed.

7. It is further submitted on the side of petitioners that for about 7 years, the second petitioner and the deceased lived happily. Absolutely, there was no complaint of alleged misbehaviour by the first accused, during the above said period. Had it happened, she would not have kept silent without informing the same to others. According to him, the case projected by the prosecution is absolutely improbable. However, I am unable to accept this line of argument at this stage. As I mentioned earlier, it is a matter for argument in the appeal.



8.It is also contended on the side of petitioners the second petitioner is having five years old child and he has to take care of him. Considering the above said situation, the Court may take a sympathetic view, at least in the interest of the child. The Judgment rendered on 22.08.2022, now eight months lapsed. Considering the incarceration undergone by the second petitioner and it may not be possible for this Court to take this appeal in the immediate future, therefore considering the limited role played by the second petitioner, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

- (i)The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Sessions Judge, Mahila Court, Madurai.
- (ii)The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and
- (iii)The petitioner shall appear before the respondent police daily at 10.30 a.m, until further orders.

sd/-

08/11/2022

/ TRUE COPY /

09/11/2022

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

TO

- 1 THE SESSIONS JUDGE, MAHILA COURT, MADURAI.
- 2 THE INSPECTOR OF POLICE,
M.CHATTRAPATTI (OOMACHIKULAM) POLICE STATION, MADURAI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-12615[I] dated 08/11/2022)

ORDER

IN

CRL MP(MD) No.12883 of 2022

IN

CRL A(MD) No.311 of 2022

Date :08/11/2022

PNM

RS/SBN/SAR. (09.11.2022) 3P-6C

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