



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Fourth day of January Two Thousand and Twenty Two

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PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.12018 of 2021

in

CRL A(MD) No.216 of 2021

AYYAPAN

... PETITIONER/ APPELLANT / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
BODI POLICE STATION,
THENI DISTRICT.
CRIME NO.1162/2017

... RESPONDENT/ RESPONDENT / COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass an order suspending the sentence imposed on the appellant by the Honourable Sessions Judge, Fast Track Mahila Court, Theni dated 08/03/2021 made in S.C.No.63 of 2018 pending disposal of the above appeal

Prayer in CRL A(MD) No.216 of 2021:

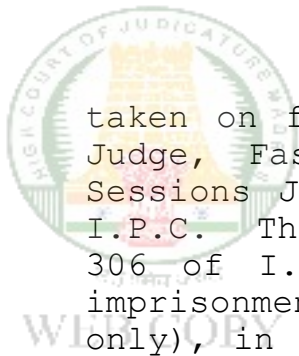
To allow the appeal and acquit the appellant by setting aside the conviction and sentence imposed on the petitioner by the judgment dated 08.03.2021 made in S.C.No.63 of 2018 on the file of the Hon'ble Sessions Judge, Fast Track Mahila Court, Theni.

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.B.JEYAKUMAR, Advocate for the petitioner and of MR.R.M.ANBUNITHI, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed against the petitioner, in S.C.No.63 of 2018, dated 23.11.2021, on the file of the Sessions Judge, Fast Track Mahila Court, Theni, till the disposal of the appeal.

2. The case against the petitioner is that he instigated the suicide of his wife. A case in Crime No.1162 of 2017 was

<https://hccs.courtsofmadras.org/>



taken on file as S.C.No.63 of 2018 on the file of the Sessions Judge, Fast Track Mahila Court, Theni. After the trial, the Sessions Judge found the petitioner/A1 guilty under Section 306 of I.P.C. The trial Court convicted the petitioner / A1 under Section 306 of I.P.C and sentenced him to undergo six years rigorous imprisonment and to pay a fine of Rs.5,000/- (Rupees Five Thousand only), in default, to undergo a further period of six months simple imprisonment. A2 and A3 were acquitted of all the charges. Against the conviction and sentence imposed by the trial Court, the petitioner has filed a criminal appeal in Crl.A.(MD)No.216 of 2021 and along with the appeal, he has filed this petition for suspension of sentence.

3.On the side of the petitioner, it is stated that the petitioner is only A1 in the case. There was no intention on the part of the petitioner. It was the petitioner, who took the deceased to the Hospital. In the hospital, the deceased has mentioned that it was only a fire accident and Ex.D1- Accident Report copy reveals the same. The petitioner is in custody for the past 10 months and prayed the sentence to be suspended.

4.On the side of the prosecution, it is stated that the deceased was the wife of the petitioner. In the dying declaration, the deceased has stated that the advance for the house was paid by her father and the petitioner and other accused refused to return her jewels. It is specifically stated that the petitioner has induced her to commit suicide. The prosecution has examined 12 witnesses and marked 10 documents and 2 material objects and has proved the case beyond all reasonable doubts and prayed the petition to be dismissed.

5.It is seen that the petitioner is in custody for the past 10 months. The earlier suspension of sentence petition filed by the petitioner, in Crl.M.P.(MD)No.3649 of 2021 was dismissed by this Court, on 24.06.2021. It is seen that there are some arguable points for consideration in the appeal and there is no possibility for the appeal to be heard in the near future. In the above circumstances, this Court is inclined to suspend the sentence with certain conditions.

6.Accordingly, the substantive sentence of imprisonment alone is suspended till the disposal of the appeal and the petitioner is ordered to be released on bail on the following conditions:

(i)the petitioner is directed to 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, Fast Track Mahila Court, Theni;



(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

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(iii) the petitioner shall appear before the respondent police daily at 10.30 a.m., until the disposal of the appeal.

sd/-

04/01/2022

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

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, THENI.
- 2 THE INSPECTOR OF POLICE
BODI POLICE STATION, THENI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL MP(MD) No.12018 of 2021
in

CRL A(MD) No.216 of 2021

Date :04/01/2022

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MK/JM/SAR.IV/05.01.2022/3P/5C