



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

Monday, the Thirty First day of January Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.12038 of 2021
IN
CRL A(MD) No.546 of 2021

ANGAPPAN @ ALAIYAMANI

... APPELLANT/SOLE ACCUSED

Vs

1 STATE REP.BY
THE INSPECTOR OF POLICE
CBCID, TIRUNELVELI DISTRICT.
CR.NO.401/2010,
REGISTERED BY
THE INSPECTOR OF POLICE,
AMBASAMUTHIRAM POLICE STATION,
TIRUNELVELI DISTRICT.

... 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.193/2015 dated 17/11/2021 on the file of the Mazhila Court, Tirunelveli and enlarge them on bail pending disposal of the above Criminal Appeal.

PRAYER IN CRL A(MD) No.546 of 2021:

To call for the records relating to the judgement in S.C.No.193/2015 dated 17.11.2021 on the file of Mazhila Court, Tirunelveli set aside the same and allow this 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.SUSI KUMAR C, 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.193 of 2015, dated 17.11.2021, on the file of the Mahila Court, Tirunelveli, till the disposal of the appeal.



2.The case against the petitioner is that he harassed and instigated his wife to commit suicide. A case in Crime No.401 of 2010 was registered against the petitioner and the same was taken on file as S.C.No.193 of 2015, on the file of the Mahila Court, Tirunelveli. After the trial, the Mahila Judge found the petitioner guilty under Section 498(A) of I.P.C. The trial Court convicted the petitioner under Section 498 (A) of I.P.C and sentenced him to undergo two years rigorous imprisonment and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only), in default, to undergo a further period of six months simple imprisonment and acquitted the petitioner under Section 306 of IPC and Section 4-B of Tamil Nadu Harassment of Women Act. Against the conviction and sentence imposed by the trial Court, the petitioner has filed a criminal appeal in Crl.A.(MD)No.546 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 P.W.1 admitted that there was a previous complaint, wherein, no harassment was mentioned. P.W.15 & P.W.16 also admitted that the complaint was closed as no such occurrence has happened. Only after the case was transferred to CBCID, Section 306 of IPC has been included. There was no cruelty and there was no evidence to prove that the petitioner harassed the deceased. The petitioner was enjoying the bail throughout the trial and the trial Court has suspended the sentence for a period of one month and prayed the sentence to be suspended.

4. On the side of the prosecution, it is stated that the Mahila Court acquitted the petitioner under Section 306 of IPC and Section 4-B of Tamil Nadu Harassment of Women Act and convicted the petitioner under Section 498(A) of IPC. The deceased was the wife of the petitioner. P.W.1, who is the brother of the deceased, was examined. The prosecution has examined 16 witnesses and marked 14 documents and has proved the case beyond all reasonable doubts and prayed the petition to be dismissed.

5.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. The petitioner was enjoying the bail throughout the trial and sentence of the petitioner was suspended by the trial for a period of one month. 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

<https://hcservices.efforts.gov.in/hcservices/> sum to the satisfaction of the Mahila Court,



Tirunelveli;

(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 ;

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

sd/-
31/01/2022

/ TRUE COPY /

31/01/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDGE,
MAHILA COURT,
TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE
CBCID,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
AMBASAMUTHIRAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP(MD) No.12038 of 2021
in
CRL A(MD) No.546 of 2021
Date :31/01/2022

RS/JM/SAR.2 (31.01.2022) 3P-5C

<https://hcservices.ecourts.gov.in/hcservices/>