



Crl.M.P.No.9160 of 2023 in Crl.A.No.695 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.9160 of 2023

in

Crl.A.No.695 of 2023

1. Sivakumar
2. Shanmugam
3. Kamalaveni

... Petitioners

/vs/

1. Leelavathy
2. State Rep. by the Inspector of Police,
All Women Police Station, Perur, Coimbatore.
[Crime No.5 of 2013]

... Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389[1] & 439 of Cr.P.C., to suspend the sentence imposed on the petitioners to undergo 2 years simple imprisonment each for offence under section 498A IPC imposed by the judgment dated 25.04.2023 passed by the learned I Additional District and Sessions Judge, Coimbatore in Crl.A.No.270 of 2019 partly reversing the judgment of acquittal dated 25.06.2019 passed by the learned Judicial Magistrate, Additional Mahila Court, Coimbatore, pending disposal of the Criminal Appeal.

For petitioners

... Mr.L.Mouli



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For Respondents

... Mr.R.Vinothraja, GA (crl.side) – R2

ORDER

This Criminal Miscellaneous Petition has been preferred to suspend the sentence imposed on the petitioners by the judgment dated 25.04.2023 passed by the learned I Additional District and Sessions Judge, Coimbatore in Crl.A.No.270 of 2019 partly reversing the judgment of acquittal dated 25.06.2019 passed by the learned Judicial Magistrate, Additional Mahila Court, Coimbatore, pending disposal of the Criminal Appeal.

2. On the complaint given by the first respondent, the second respondent registered a case against the petitioners in Crime No.5 of 2013 for the offences under sections 498[A], 406 and 109 IPC. The trial court, by its judgment dated 25.06.2019 acquitted the accused from the charges levelled against them. As against which, the defacto complainant preferred an appeal in Crl.A.No.270 of 2019 and the appellate partly reversed the judgment of the trial Court and convicted the petitioners under section 498[A] IPC and sentenced the petitioners to undergo two years simple imprisonment each and to pay a fine of Rs.5000/- each in default of payment of fine to each under go



six months simple imprisonment petitioners. Total fine amount Rs.15,000/-.

Challenging the above conviction and sentence, the petitioners have filed the present criminal appeal, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. The learned counsel for the petitioners submitted that the judgment of the first appellate court is contrary to law, weight of evidence and probabilities of the case. He would further submit that the Courts below failed to consider several contradictions and inconsistencies in the evidence of the prosecution witnesses and prosecution has failed to establish its case beyond all reasonable doubts. Hence, he would submit that there are arguable points in this appeal and the petitioners have every chance to succeed in this appeal. Thus, he prayed for suspension of sentence till the disposal of this Criminal Appeal.

5. Heard the learned counsel appearing for the petitioners and the learned Govt. Advocate (crl.side) appearing for the respondent and perused the materials available on record.



6. The petitioners have raised substantial grounds in the Revision which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioners is entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence and bail is granted to the petitioners on the following conditions:

- (i) The petitioners shall surrender before the Judicial Magistrate, Additional Mahila Court, Coimbatore within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioners is ordered to be released on bail on executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the Trial Court.
- (ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the trial Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;
- (iii) The petitioners shall appear before the trial Court as and



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when required.

30.06.2023

vrc

To

- 1.The Judicial Magistrate, Additional Mahila Court, Coimbatore.
2. The I Additional District and Sessions Judge, Coimbatore.
3. The Inspector of Police,
All Women Police Station, Perur, Coimbatore.
5. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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