



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

Monday, the Twentieth day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) Nos.1173, 1157 and 1158 of 2023

IN

CRL A(MD) Nos.71 and 73 of 2023

SAMAYAN	... PETITIONER/APPELLANT (in CRL MP(MD) No.1173 of 2023)
NAGARAJ	... PETITIONER/APPELLANT (in CRL MP(MD) No.1157 of 2023)
YASOTHAI	... PETITIONER/APPELLANT (in CRL MP(MD) No.1158 of 2023)

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE,
KARIYAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.185 OF 2015)

... RESPONDENT/RESPONDENT
(IN ALL PETITIONS)

PRAYER IN CRL MP(MD) Nos. 1173, 1157 and 1158 of 2023:-

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the operation and execution of sentence imposed by the Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Sriviliiputhur in SC.No.74 of 2016 dated 21.12.2022 till the disposal of appeal.

PRAYER IN CRL A(MD) Nos.71 and 73 of 2023:-

To set aside the judgement and conviction imposed against the appellants/accused Nos.1, 2 and 3 by Learned Sessions Judge, Fast Track Mahila Court, Srivilliputhur at Virudhunagar District in S.C.No.74 of 2016 dated 21.12.2022 in so far as against the Appellant/Accused Nos.1, 2 and 3 herein.

Order : These petitions coming up for orders on this day, upon perusing the petitions filed in support thereof and upon hearing the



arguments of M/S.MARIAPPAN.G, Advocate for the petitioner of M/S. B.Nambiselvan, Additional Public Prosecutor on behalf of the Respondents the court made the following order:-

This Criminal Miscellaneous Petitions are filed to suspend the sentence dated 21.12.2022 passed in S.C.No.74 of 2016 against the Petitioners / Appellants by the Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, and enlarge the petitioners on bail, pending disposal of the Criminal Appeal.

2.The case of the prosecution in brief:-

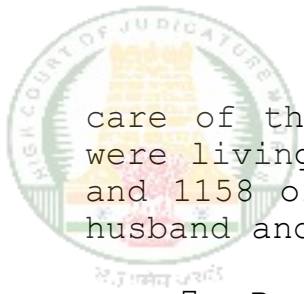
The deceased married the first accused and at that time of marriage, she was provided sufficient sridhana articles, jewellery, extra. They had two children out of the above said marriage. Later, the first accused started demanding more dowry, jewels and causing harassment that was also joined by the accused numbers 2 and 3. Over the above said demand, on 08.10.2012, she made a complaint to All Women Police Station, Aruppukkottai. In the enquiry, there was compromise between the first accused and the deceased, the first accused undertook to take care of the wife and children properly. But again trouble started and the accused demanded more dowry. Because of the above said continuous torture, she committed suicide by pouring kerosene on 26.04.2015 at about 12.00 p.m., later she died in the hospital. On the basis of the above said occurrence, a case was registered. At the conclusion of investigation the First Information Report has been filed and made charges against the accused under Section 498(A), 304(B) of IPC.

3. Before the trial Court, on the side of the prosecution, 15 witnesses were examined as P.W.1 to P.W.15 and 10 documents were marked as Ex.P.1 to Ex.P.10.

4. At conclusion of the trial, the trial Court has found that the accused are found guilty under Sections 498(A), 304(B) of IPC. Accordingly, the accused were convicted and sentenced to undergo 2 years of Rigorous Imprisonment with fine of Rs.1,000/- each and in default to undergo Rigorous Imprisonment of further period of three months for the offense under Section 498(A) IPC and accused were convicted and sentenced to undergo 10 years of Rigorous Imprisonment with fine of Rs.3,000/- each and in default to undergo Rigorous Imprisonment of further period of six months for the offense under Section 304(B) IPC.

5. Challenging the above said conviction and sentence, the petitioners have preferred the present Criminal Appeal along with the instant Miscellaneous Petitions seeking suspension of sentence.

6. At the outset, the learned counsel for the petitioners would submit that even as per the case of the prosecution, there was compromise between the husband and wife with regard to the complaint given by the deceased on 08.10.2012. The husband promised to take



care of the wife and children in a proper manner. After they were living separately and these petitioners in Crl.M.P.(MD) No.1157 and 1158 of 2023 are no way involved in the said issue between the husband and wife, since they were living separately.

7. Per contra, the learned Additional Public Prosecutor would submit that even though compromise reached at the earlier occasion, trouble has been made by these petitioners in Crl.M.P.(MD) No.1157 and 1158 of 2023 joining with the first accused. Because of the continuous torture only the deceased committed suicide. The point to be discussed in the appeal is whether these petitioners in Crl.M.P.(MD) No.1157 and 1158 of 2023 also joined with the first accused in demanding dowry and drove the deceased to commit suicide.

8. P.W.1 is the brother of the deceased and he has given evidence with regard to the occurrence that took place on that particular date. On the date of the occurrence, the husband alleged to have purchased mutton, that was cooked by the deceased but when the deceased about to take the food, the first accused alleged to have fed the meat to the dogs. The conduct of the deceased was also suspected by the first accused. The first accused is addicted to liquor. When she was in the hospital, she alleged to have informed him that because of attitude of the first accused that he is not taking proper care, she attempted suicide. So, this portion of evidence is sufficient for suspending the sentence, so far these petitioners in Crl.M.P(MD) No.1157 and 1158 of 2023 are concerned, without going into other aspects, even though, the other witnesses are accusing these petitioners in Crl.M.P.(MD) No.1157 and 1158 of 2023 also, considering the evidence of the deceased and her brother, this Court is inclined to suspend the sentence of the petitioners in Crl.M.P.(MD) No.1157 and 1158 of 2023 at this stage.

9. Accordingly, this Criminal Miscellaneous Petition is partly allowed. Considering the fact that these petitioners in Crl.M.P(MD) No.1157 and 1158 of 2023 are living separately and because of the attitude of the first accused only the deceased has committed suicide, this Court is inclined to suspend the sentence of the petitioners in Crl.M.P.(MD) No.1157 and 1158 of 2023. On that ground this Criminal Miscellaneous Petitions in in Crl.M.P.(MD) No.1157 and 1158 of 2023 are allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioners in in Crl.M.P.(MD) No.1157 and 1158 of 2023 are directed to be enlarged on bail on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur and on further condition that the petitioners shall appear before the said Court once in a week at 10.30 a.m. pending appeal.



the first accused who is the husband of the deceased, since as responsible for the suicide.

sd/-
20/02/2023

/ TRUE COPY /

WEB COPY

/02/2023

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

INDU

TO

1. THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
2. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
3. THE OFFICER-INCHARGE, WOMEN SPECIAL PRISON,
MADURAI.
4. THE INSPECTOR OF POLICE,
KARIYAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.MARIAPPAN.G Advocate SR.No.2529(I)

+1. C.C. to M/S.MARIAPPAN.G Advocate SR.No.2530(I)

ORDER

IN

CRL MP(MD) No.1173, 1157 and
1158 of 2023

IN

CRL A(MD) No.71 and 73 of 2023
Date :20/02/2023

NA/BUC/SAR/20.02.2023/4P/8C