



CRL MP(MD) No.12084 of 2023

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

Tuesday, the Twenty Second day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD) No.12084 of 2023

in

CRL RC(MD) No.412 of 2023

PONNATCHI

... Petitioner / 2nd Petitioner / 2nd Petitioner

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VALLAM,
THANJAVUR DISTRICT.
(CRIME NO.4 OF 2007.)

... Respondent / Respondent / Respondent

Criminal Miscellaneous 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 of Imprisonment imposed in Crl.A.No.391 of 2022 on the file of the Learned 2nd Additional District and Sessions Judge, Thanjavur dt.15.7.2022 by which confirming the judgment and conviction order in CC.No.221 of 2008 on the file of the learned Judicial Magistrate No.II, Thanjavur, pending disposal of the above Criminal Revision Petition.

Prayer in CRL RC(MD) No.412 of 2023:

To call for records and set aside the judgment and conviction dated 15.07.2022 made in Crl.A.No.391 of 2022 on the file of the 2nd Additional District and Sessions Judge, Thanjavur, by which confirming the judgment and conviction order in C.C.No.221 of 2008 on the file of the learned Judicial Magistrate No.II, Thanjavur, by its judgment dated 23.12.2020, and acquit the petitioners / accused.

<https://www.mhc.tn.gov.in/judis>



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Order : This criminal miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.DEENADHAYALAN S, Advocate for the petitioner and of Mr.T.SENTHIL KUMAR, Additional Public Prosecutor, on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner in CrI.A.No.391 of 2022 dated 15.07.2022 on the file of the learned II Additional District and Sessions Judge, Thanjavur, by confirming the sentence and conviction passed in C.C.No.221 of 2008 dated 23.12.2020 on the file of the Judicial Magistrate No.II, Thanjavur.

2. It is the case of the prosecution that the petitioner is the mother-in-law of P.W.1. The first accused is a son of the petitioner. He entered marriage with P.W.1 on 23.04.2007. Thereafter, the petitioner and other family members including her son said to have caused cruelty to P.W.1 and also demanded more dowry and criminally intimidated her. Hence, she gave the complaint to the respondent police against 8 persons and the same was registered in Crime No.4 of 2007 for the alleged offences under Sections 498(a), 506(ii) of IPC and Section 4 of Dowry Prohibition Act, r/w Section 34 of IPC. The respondent police after completing the investigation, filed the final report against the 8 persons by arraying the petitioner as A2.

3. After the completion of trial, the learned trial judge acquitted the accused Nos.4, 6, 7 and 8 and convicted the petitioner, A1, A3 and A5 alone. The



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petitioner has been convicted by the learned Trial Judge for the offence under Section 498(a) of IPC and Section 4 of Dowry Prohibition Act, r/w Section 34 of IPC in C.C.No.221 of 2008 dated 23.12.2020 by the learned Judicial Magistrate No.II, Thanjavur and sentenced him to undergo 3 years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo 1 month simple imprisonment for the offence under Section 498(a) of IPC and sentenced him to undergo 2 years of rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo 1 month simple imprisonment for the offence under Section 4 of Dowry Prohibition Act, r/w Section 34 of IPC. Aggrieved over the same, the petitioner filed the appeal in C.A.No.391 of 2021 before the II Additional District and Sessions Judge, Thanjavur. The same was dismissed by confirming the order of the learned Judicial Magistrate No-II, Thanjavur in C.C.No.221 of 2008. Challenging the same, the petitioner filed Criminal Revision Case before this Court.

4. The learned counsel for the petitioner submitted that the learned trial judge after considering the evidence acquitted the A4, 6,7 and 8. But on the basis of the same evidence, convicted the petitioner without rejecting the entire evidence. Both the Courts below failed to consider that the marriage between P.W.1 and the accused No.1 is not proved. The petitioner is confined in jail. On the basis of the above submission, he seeks to suspend the sentence imposed on the petitioner.



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5. The learned Government Advocate (Crl.side) appearing for the respondent would contend that the Trial Court has rightly convicted the petitioner on the basis of the evidence and the petitioner has no prima facie case in this revision case.

6. This Court considered the rival submissions made on either side and perused the materials available on record.

7. According to the petitioner, the Court below after rejecting the evidence, insofar as the accused Nos.4, 6, 7 and 8, ought not to have convicted the petitioner and other accused on the same evidence. Both the Courts below failed to consider that the marriage said to have happened between P.W.1 and the accused No.1. The alleged cruelty has not proved in accordance with law. Considering the above submission and the petitioner is in the custody from 07.08.2023, this Court is inclined to suspend the sentence imposed on the petitioner.

8. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal with the following conditions:-

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned



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Judicial Magistrate No-II, Thanjavur.

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(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 concerned Court once in a month i.e., on first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal.

sd/-
22/08/2023

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22/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SBN/DSS

To

1.The II Additional District and Sessions Judge,
Thanjavur.

2.The Judicial Magistrate No.II,
Thanjavur.

3.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.



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4.The Inspector of Police,
All Women Police Station,
Vallam, Thanjavur District.

5.The Superintendent,
Central Prison for Women,
Trichirappalli.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-12598[I] dated 22/08/2023)

ORDER

IN

CRL MP(MD) No.12084 of 2023

in

CRL RC(MD) No.412 of 2023

Date :22/08/2023

ED/ /SAR- (22/08/2023) 6P / 8C

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