



CRL MP(MD) No.15736 of 2023

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

Wednesday, the Eighth day of November Two Thousand and Twenty Three  
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN  
CRL MP(MD) No.15736 of 2023  
in  
CRL A(MDO No.991 of 2023

PRAKASH KUMAR

... Petitioner / Accused No.1

Vs

STATE BY  
THE INSPECTOR OF POLICE  
VANGAL POLICE STATION,  
KARUR DISTRICT.  
(CRIME NO. 527 OF 2020)

... Respondent / Complainant

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 on the petitioner in the judgment dt. 31.10.2023 made in S.C No. 41 of 2021 on the file of the Additional Sessions Judge, Karur and enlarge the petitioner on bail pending disposal of the main criminal appeal.

Prayer in CRL A(MD) No.991 of 2023:

To call for records and set aside the conviction imposed against the appellant in judgment dated 31.10.2023 made in S.C.No.41 of 2021 on the file of the Additional Sessions Judge, Karur by allowing this Criminal Appeal.

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 Mr.R.ANAND, Advocate for M/s.P.SAMUEL GUNASINGH, Advocate for the petitioner and of Mr.B.NAMBISELVAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the criminal appeal, the court made the following order:-



**CRL MP(MD) No.15736 of 2023**

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This petition has been filed to suspend the sentence imposed on the petitioner in S.C.No.41 of 2021 on the file of the Additional Sessions Judge, Karur, dated 31.10.2023.

2. The learned counsel appearing for the petitioner submitted that the petitioner herein has been convicted by the Additional Sessions Judge, Karur to undergo imprisonment for two years and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for three months for the offence under Section 498(A) IPC and further sentenced to undergo imprisonment for five years and also to pay a fine Rs.1000/- in default to undergo simple imprisonment for six months for offence under Section 306 IPC.

3. Heard the learned counsel appearing for the petitioner and the perused the materials available on record.

4. On reading of paragraph No.74 of the Judgment of the trial Court shows that there was some issue between the husband and wife and that separate house was arranged. On a particular date of occurrence, trouble arose between them. Even though it is stated that the deceased suspected A1 with regard to the telephonic conversation made by him with his mother A1 has also broken the TV and coerced the deceased commit suicide. Further, it is seen from the paragraph that the petitioner alleged to have caused injury to the deceased which is also mentioned in



CRL MP(MD) No.15736 of 2023

WEB COPY

the Post mortem report. On reading of the entire facts and circumstances, it is seen that on a particular date there, trouble arose between them. At the time of committing suicide by the deceased, A1 was not available in the place of occurrence.

5. Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Karur and on further condition that the petitioner shall appear before the said Court once in a week i.e., on every Monday at 10.30 a.m. pending appeal.

sd/-  
08/11/2023

/ TRUE COPY /

09/11/2023  
Sub-Assistant Registrar (C.S. )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TRP



CRL MP(MD) No.15736 of 2023

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- 1.The Additional Sessions Judge,  
Karur.
- 2.The Judicial Magistrate No.II,  
Karur.
- 3.Do through the Chief Judicial Magistrate,  
Karur District.
- 4.The Inspector of Police,  
Vangal Police Station,  
Karur District.
- 5.The Superintendent,  
Central Prison, Trichy.
- 6.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Copy to:

The Section Officer,  
Criminal Section (Records),  
Madurai Bench of Madras High Court,  
Madurai. (Call for records)

+1 CC to M/s.P.SAMUEL GUNASINGH, Advocate ( SR-16088[I] dated  
08/11/2023 )



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**CRL MP(MD) No.15736 of 2023**

ORDER

IN

CRL MP(MD) No.15736 of 2023

in

CRL A(MDO No.991 of 2023

Date :08/11/2023

ED/ /SAR- (09/11/2023) 5P / 10C

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