



Crl.M.P.No.14124 of 2023
in Crl.A.No.965 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2024

CORAM:

**THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

Crl.M.P.No.14124 of 2023
in Crl.A.No.965 of 2023

1.Saradha

2.Suresh Kumar

... Petitioners/Accused 2 & 3

Vs.

The State rep. by its
Assistant Commissioner of Police,
Law and Order (South),
Coimbatore City,
(Crime No.579/2016)
(Podhanur P.S.)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, praying to grant suspension of sentence for the petitioners i.e. A2 & A3 imposed in S.C.No.190 of 2017 dated 04.05.2021 on the file of the Sessions Court, Magalir Neethi Mandram (Mahila Court), Coimbatore till the disposal of the Criminal Appeal and enlarge the petitioners on bail.



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For Petitioner : Mr.G.Nirmal Krishnan

For Respondent : Mr.E. Raj Thilak,
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER

(Order of the Court was delivered by **SUNDER MOHAN, J.**)

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentences imposed on the petitioners by the learned Sessions Judge, Magalir Neethi Mandram (Mahila Court), Coimbatore on 04.05.2021 in S.C.No.190 of 2017 and enlarge them on bail.

2. The learned Sessions Judge, Magalir Neethi Mandram (Mahila Court), Coimbatore, in S.C.No.190 of 2017, has convicted the petitioners and sentenced them as follows:-

<i>Accused</i>	<i>Offence</i>	<i>Sentence imposed</i>
A2 & A3	Section 498A of IPC	Two years imprisonment along with a fine of Rs.5,00/- in default to undergo simple imprisonment for 3 months.
	Section 304(B) of IPC	Life imprisonment along with a fine of Rs.5,00/- in default to undergo simple imprisonment for 1 year.
	Section 4 of Dowry Prohibition Act	6 months rigorous imprisonment along with a fine of Rs.500/- in default to undergo 1 month simple imprisonment.



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3. Challenging the above convictions and sentences, the petitioners have filed the above Criminal Appeal and they seek suspension of sentences and bail in the present miscellaneous petition.

4. Heard Mr.G.Nirmal Krishnan, learned counsel appearing for the petitioners and Mr.E.Raj Thilak, learned Additional Public Prosecutor, appearing for the respondent/Police.

5. It is the case of the prosecution that the deceased was the wife of the first accused; that the marriage took place on 11.04.2016 and ever since they got married, A1 started demanding dowry; since the deceased could not fulfill the dowry demands of the accused, she committed suicide.

6. The learned counsel for the petitioners submitted that the petitioners are the sister and brother-in-law of the first accused and they have nothing to do with the family of the first accused and the deceased and that they were living separately and all the allegations are only against the first accused.

7. Per contra, the learned Additional Public Prosecutor submitted that the petitioners also aided and abetted the first accused in the dowry demand



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and the harassment caused to the deceased.

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8. We have perused the records carefully and considered the rival submissions.

9. Admittedly, the petitioners are the sister and brother-in-law of the first accused, who were living separately. The allegations are primarily against the first accused, who is said to have pledged the jewels of the deceased. Further, we also find that the sentences against A4 & A5 (mother-in-law and father-in-law of the deceased) were suspended by this Court vide order dated 04.04.2022 in Crl.M.P.No.3020 of 2022. Hence, we are of the view that the petitioners have fair chance of success in the appeal.

10. Considering the nature of allegations against the petitioners and also the fact that A4 & A5 were granted bail and that the petitioners are in custody since 04.05.2021 and that the appeal is not likely to be taken up in the near future, we are inclined to suspend the sentences.

11. Accordingly, this Criminal Miscellaneous Petition stands **allowed**



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and the sentences imposed on the petitioners is suspended on the following conditions:-

- (i) The petitioners shall execute a bond for a sum of Rs.25,000/-, with two sureties each, each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethimandram (Mahila Court), Coimbatore;
- (ii) The petitioners and 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 and mobile numbers to ensure their identity;
- (iii) The petitioners shall appear before the trial Court on the first working day of every month at 10.30 a.m., until the disposal of the appeal and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on



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any other day in lieu of the date of their absence, as
directed by the trial Court.

(M.S.R, J.)

(S.M, J.)

18.03.2024

Index: Yes/No

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Note: Issue Order Copy on 20.03.2024



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To

1.The Sessions Judge,
Magalir Neethi Mandram (Mahila Court),
Coimbatore.

2.The Assistant Commissioner of Police,
Law and Order (South),
(Podhanur P.S.)
Coimbatore City.

3.The Superintendent
Special Prison for Women,
Coimbatore.

4.The Superintendent,
Central Prison,
Coimbatore.

5.The Public Prosecutor,
High Court,
Madras.



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M.S.RAMESH, J.
and
SUNDER MOHAN, J.

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