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*Crl.M.P.No.13979 of 2024
in Crl.R.C.No.1691 of 2024*

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M. NIRMAL KUMAR, J.

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking to suspend the sentence imposed in C.A.No.106 of 2022 on the file of II Additional District and Sessions Judge, Tiruchengode, dated 29.08.2024 confirming the conviction and sentence passed by the learned Judicial Magistrate, Kumarapalayam in C.C.No.536 of 2020 dated 30.11.2022 and enlarge the petitioner on bail pending disposal of the above Criminal Revision Case.

2.The petitioner/A1 in C.C.No.536 of 2020 faced trial along with his parents, who were arrayed as A2 and A3. The trial Court, by judgment dated 30.11.2022, had convicted the petitioner for offence under Section 498-A of I.P.C. and sentenced to undergo three years simple imprisonment and directed to pay a fine of Rs.10,000/- and acquitted him for offence under Section 506(ii) of I.P.C. Further, acquitted his parents, namely, A2 and A3 for offence under Section 498-A and 506(ii) of I.P.C. Aggrieved against the



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conviction, the petitioner preferred an appeal in C.A.No.106 of 2022 before the II Additional District and Sessions Judge, Tiruchengode. The learned Sessions Judge, by judgment dated 29.08.2024, dismissed the appeal confirming the conviction and sentence of the trial Court, against which, he preferred a revision before this Court in Crl.R.C.No.1691 of 2024 along with the instant miscellaneous petition seeking suspension of sentence and bail.

3.The brief facts of the case is that the petitioner is said to have demanded dowry along with his parents from the de-facto complainant/his estranged wife/PW1. It is alleged that the petitioner, even before marrying the de-facto complainant, was in live-in relationship with another lady and suppressing the same, the marriage between the petitioner and de-facto complainant performed. In view of the petitioner's relationship with another lady, the de-facto complainant was constantly harassed and there was a demand of dowry. Hence, on her complaint, a case was registered and after investigation, charge sheet filed.

4.During trial, on the side of the prosecution, PW1 to PW10 examined, Exs.P1 to P12 marked. On the side of the defence, petitioner/accused



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examined himself as DW1 and another witnesses Loganathan as DW2 and marked Exs.D1 to D18. On conclusion of the trial, the Trial Court on the evidence of witnesses and the materials produced, had convicted the petitioner as stated above and the Lower Appellate Court confirmed the same.

5.The contention of the petitioner is that both the Courts below failed to consider the evidence of PW1 to PW7 are closely related and giving concocted version. There is no chain of circumstances that the petitioner is the cause for any harassment. The evidence between the witnesses are contradictory to each other. The trial Court failed to consider that Exs.P11 and P12 are inadmissible. Both the Courts below failed to consider the defence evidence and defence exhibits produced by the petitioner. There is no 65-B certificate, in view of the same, both the Courts below ought not to have placed reliance on the electronic evidence. Further submitted that the petitioner has arguable points and fair chance of success in this revision. Hence, he prays for granting suspension of sentence to the petitioner.

6.The learned Government Advocate (Crl. Side) on the other hand



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submitted that PW1 is the victim, who is the estranged wife of the petitioner.

The petitioner even prior to the marriage had relationship with another lady, due to which, he caused harassment and also demanded dowry from the de-facto complainant and the de-facto complainant also subjected to humiliation and physical harassment. PW1/victim as well as her parents and family members deposed against the petitioner corroborating the evidence of PW1. The petitioner had relationship with one Suganya, which was proved by producing relevant documents. There is also a domestic violence complaint against the petitioner. Considering all the facts both the Courts below had rightly convicted the petitioner. Hence, prays for dismissal of the petition.

7.Considering the submissions made and on perusal of the materials, it is seen that it is a matrimonial dispute between the petitioner and de-facto complainant. Before the trial Court, along with the petitioner, her parents, namely, A2 and A3 tried. The trial Court acquitted A2 and A3. Against which, there is no appeal filed by the prosecution and on the same set of facts, the petitioner was convicted. Further, both the Courts below placed reliance on electronic evidence, which is not supported with proper certificate. In view of the same, this Court finds the conviction of the petitioner needs re-



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consideration. Hence, this Court is inclined to grant suspension of sentence to the petitioner.

8.In view of the above, the substantive sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the Criminal Revision and the petitioner is ordered to be enlarged on bail, on condition that he 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 trial Court.

9.Further, the petitioner shall appear before the Trial Court once in three months at 10.30 a.m. on the first working day of the month, until the disposal of the Criminal Revision and if he is not able to appear before the Trial Court on that day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of his absence as directed by the Trial Court.



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10. Accordingly, this Criminal Miscellaneous Petition is ordered.

14.10.2024
(2/2)

Index : Yes/No
Internet : Yes/No
Speaking order/Non speaking order
Neutral citation : Yes/No
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To

- 1.The Inspector of Police,
Tiruchengode, All Women Police Station,
Namakkal District.
- 2.The II Additional District and Sessions Judge,
Tiruchengode.
- 3.The Judicial Magistrate,
Kumarapalayam.
- 4.The Public Prosecutor,
High Court, Madras.



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