



WEB COPY



Crl.M.P.No.14400 of 2024 in Crl.A.No.1286 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.14400 of 2024
in Crl.A.No.1286 of 2024

Eswaran

... Petitioner/Appellant/Accused

Vs.

The State rep by
The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.
(Crime No.188/2022)

...Respondent/Respondent/Complainant

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, to suspend the sentence passed in S.C.No.278 of 2022 order dated 27.09.2024 on the file of Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai and enlarge the petitioner on bail.

For Petitioner : M/s.Tamizh Law Firm

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (Crl.Side)

ORDER



The petitioner was convicted *vide* judgment, dated 27.09.2024 in S.C.No.278 of 2022 by the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai (Trial Court) and sentenced to undergo three years Rigorous Imprisonment and to pay a fine of Rs.10,000/- in default to undergo three months Simple Imprisonment for offence under Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act; to pay a fine of Rs.1000/- in default to undergo one month Simple Imprisonment for the offence under Section 294(b) of the IPC; and sentenced to undergo five years Rigorous Imprisonment and to pay a fine of Rs.1,000/- in default to undergo three months Simple Imprisonment for offence under Section 306 r/w 34 of the IPC. Aggrieved over the same, the present criminal appeal and the suspension of sentence.

2. It is alleged that A1 aggrieved by the fact that the deceased refused to marry him, along with the petitioner had harassed the deceased, abused her and abetted the commission of suicide by the deceased.

3. Learned counsel for the petitioner/A2 would submit that the



petitioner has been implicated without any basis; and that the petitioner has nothing to do with the deceased and it was A1 who had allegedly had a love affair with the deceased; and that there are contradictions in the evidence of the witnesses and therefore, the petitioner has fair chances of success in the appeal.

4. Heard the learned Government Advocate (Crl.Side) for the respondent.

5. It is seen that there is a delay in lodging the FIR. The allegation against the petitioner is that he told the deceased that she had cheated his friend i.e., A1 and had asked her as to how many more persons she would cheat. Whether the overt act attributed to the petitioner would constitute the offence under Section 306 of the IPC has to be examined in the appeal. Considering the fact that the petitioner is in custody from 27.09.2024 and that there are arguable points in the above appeal, this Court is inclined to suspend the sentence.

6. In view of the above, the Substantive Sentence of Imprisonment



Crl.M.P.No.14400 of 2024 in Crl.A.No.1286 of 2024

imposed on the petitioner is suspended till the disposal of the appeal and he is ordered to be enlarged on bail on condition that he shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties, each for a like sum to the satisfaction of the Trial Court.

7. Further, the petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. till the disposal of the criminal appeal. Accordingly, this Miscellaneous Petition is ordered.

04.11.2024
(2/2)

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Note to Registry : Issue order copy today.

To

1.The Sessions Judge, Mahalir Neethimandram,



Crl.M.P.No.14400 of 2024 in Crl.A.No.1286 of 2024

Allikulam,
Chennai.

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- 2.The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.
- 3.The Central Jail,
Puzhal, Chennai.
- 4.The Public Prosecutor,
Madras High Court.



Crl.M.P.No.14400 of 2024 in Crl.A.No.1286 of 2024

SUNDER MOHAN., J.

dk

Crl.M.P.No.14400 of 2024 in
Crl.A.No.1286 of 2024

04.11.2024
(2/2)