



Crl.MP(MD)No.2191 of 2024 in Crl.A(MD)No.148 of 2024

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G.ILANGOVAN, J

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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed against the petitioner in S.C.No.05 of 2019, dated 06/12/2023 passed by the Sessions Judge, Fast Track (Mahila Court), Virudhunagar District @ Srivilliputhur and enlarge him on bail pending disposal of the Criminal Appeal.

2.The case of the prosecution is that the deceased Krishnammal was married to the accused some 16 years prior to the occurrence. No children between them. But later she became pregnant. The accused used to go to the house with drunken mood and harassed her and misbehaved. The deceased wanted to shift the residence to her native place, but that was not liked by the accused. On 14/09/2017, again the accused namely the appellant herein came to the house in a drunken mood. When that was questioned, he scolded her to go and die. At about 11.00 pm in the night, Krishnammal committed suicide by hanging. On the basis of the complaint given by the de-facto complainant, a case in Crime No.771 of 2017 for the offence under section 306 IPC.



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3.After completion of investigation, final report was filed before the Sessions Judge, (Fast Track) Mahila Court, Virudhunagar District @ Srivilliputhur and the same was taken on file in SC No.5 of 2019.

4.Before the trial Court, on the side of the prosecution, 10 witnesses were examined and 11 documents were marked. Apart from that, 3 material objects were marked. On the side of the accused, no oral and documentary evidence was adduced.

5.At the conclusion of the trial process, the trial court found the accused guilty of the offence under section 306 IPC and sentenced him to undergo 10 years rigorous imprisonment and to pay a fine of Rs.2,000/- in default to undergo 6 months simple imprisonment.

6.Challenging the conviction and sentence, this appeal is preferred by the appellant. Pending appeal, this criminal miscellaneous petition was taken out by the petitioner seeking suspension of sentence.

7.Heard both sides.

8.The learned counsel appearing for the petitioner would submit that mere uttering of words 'go and die' will



not show the intention on the part of the appellant herein to commit the abatement of suicide; Now after the occurrence, he married another woman and living with her; Even as per the allegation made in the charge, the offence under section 306 IPC is not made out.

9.The learned Government Advocate (Criminal side) was required to verify whether this petitioner is married another woman subsequent to the occurrence and living without any problem. The learned Government Advocate (Criminal side) also submitted a detailed report, wherein he has stated that the accused married to one Perumalammal, while he was on bail. Perumalammal was not married to the petitioner legally. She was originally married one Veerakumr. There was problem between them. So, Perumalammal separated, later married this petitioner. Perumalammal and her two children are taking care by the petitioner.

10.So, reading of the report shows that after the occurrence, the petitioner has corrected himself and taking care of the Perumalammal and two childrens.

11.In the light of the above said subsequent development and in the light of the fact that whether mere uttering words 'go and die' will attract the offence under section 306 IPC, is a matter for consideration in the main appeal.



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12.Considering the above said facts and also considering the fact that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future, this criminal miscellaneous petition is allowed and the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that he 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 Sessions Judge, Fast Track Mahila Court, Virudhunagar District @ Srivilliputhur and on further condition that the petitioner shall appear before the said Court on the first working day of every week at 10.30 am until further orders.

20/08/2024

Index : Yes/No
Internet: Yes/No

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To,

- 1.The Sessions Judge,
Fast Track Mahila Court,
Virudhunagar District @ Srivilliputhur
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 3.The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.



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