



CRL MP(MD) No.3101 of 2024

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

Monday, the Eighteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.3101 of 2024

IN

CRL A(MD)No. 216 of 2024

1 SELVAKUMAR

2 RAJESHWARI

... PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE
VIRUDHUNAGAR (*)WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT.

CRIME NO. 298/2014 ... RESPONDENT/COMPLAINANT
(*)**AMENDED AS PER ORDER OF THE COURT DATED
18/03/2024 IN CRL MP(MD)NO. 3101/2024 in CRL A(MD)NO.
216/2024 BY VSJ**

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail by suspending the sentence imposed upon him in S.C No. 177 of 2022 on the file of the learned Fast track Mahila court, Virudhunagar district at Srivilliputhur dt. 21.02.2024 pending disposal of the main Criminal Appeal.

PRAYER IN CRL A(MD)No. 216 of 2024:

To call for the records in S.C.No. 177 of 2022 on the file of the Learned Fast Track Mahila Court, Virudhunagar District at Srivilliputhur dated 21.02.2024 and acquit the appellants of the charges leveled against them.

<https://www.mhc.tn.gov.in/judis>



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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 M/S.A.BANUMATHY, Advocate for the petitioner and of MR.M.MUTHUMANIKKAM, Government Advocate (Criminal Side) on behalf of the Respondent, the court made the following order:-

The petitioners have filed this Criminal Miscellaneous Petition praying to suspend the sentence passed against them by the learned Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, in Spl.S.C.No.177 of 2022 dated 21.02.2024 and to enlarge them on bail, pending disposal of the Criminal Appeal.

2. The case of the prosecution is that the petitioners herein are husband and mother-in-law of the deceased Seethalakshmi. The deceased Seethalakshmi married the first petitioner herein on 15.02.2013 and they lived with the second petitioner. The said marriage expenses had been spent by the second petitioner herein by pledging her jewels. Since quarrels erupted between the deceased and the second petitioner frequently, the first petitioner and the deceased shifted to Virudhunagar and they lived separately. When the first petitioner intend to lease out a house for Rs.80,000/- by pledging the jewels of the deceased, the same was opposed by the second petitioner. During the course of quarrel, it is alleged that the first petitioner attacked the deceased while the second petitioner abused her. Thereafter, on 25.06.2014, when the brother of the deceased Seethalakshmi went to her house, he



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found that the deceased committed suicide by hanging. The main allegation against the petitioners is that the deceased was subjected to harassment and ill-treatment and therefore, she committed suicide. The petitioners stand convicted for the offence punishable under Section 306 of IPC and sentenced to undergo R.I. for 10 years with fine of Rs.3,000/- each with one year Rigorous Imprisonment in default. Challenging the above said conviction and sentence, criminal appeal has been preferred before this Court. Pending appeal, this criminal miscellaneous petition has been filed seeking suspension of sentence. Learned counsel also filed a memo seeking to amend the cause title in main appeal. The said memo is recorded and Registry is directed to make necessary amendment in the cause title in the main appeal.

3. Learned counsel for the petitioners submitted that even as per the evidence of P.W.1, P.W.3 and P.W.6, there is no specific overtact/allegation so as to infer the criminal intention on the part of the petitioners to instigate the deceased to put an end to her life. There is no nexus between the act of the petitioners and cause of death of the deceased. He further submitted that there is no materials to show that there was abetment or instigation on the part of the accused. Moreover, the evidence of the prosecution qua cruelty and harassment are vague and the same was not corroborated with any legal evidence. Hence, the learned counsel prays for suspension of sentence of the petitioners.



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4. The learned Additional Government Pleader appearing on behalf of the respondent vehemently opposes the bail application and submits that there are enough materials available on record against the petitioners and hence, he strongly opposed to grant suspension of sentence.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the State and perused the materials available on record.

6. On due consideration of the facts and circumstances of the case and having meticulously perused the evidence on record, without expressing any opinion on merits of the case, this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, in Spl.S.C.No.177 of 2022 dated 21.02.2024 alone is suspended, subject to the following stringent conditions:-

- i) Each petitioners 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 learned learned Sessions Judge, Fast Track Mahila Court,

Virudhunagar District at Srivilliputhur;



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ii) 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 to ensure their identity;

iii) The petitioners shall appear and sign before the before the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, on the first working day of every English calendar month at 10.30 a.m., until further orders; and

iv) The petitioners shall furnish their residential address and mobile number to the Trial Court ie., learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur.

8. Subject to the above conditions, this Criminal Miscellaneous Petition is allowed.

sd/-
18/03/2024

/ TRUE COPY /

25/03/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN



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TO

- 1 THE SESSION JUDGE
FAST TRACK MAHILA COURT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 2 THE INSPECTOR OF POLICE
VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 - 4 THE OFFICER INCHARGE
SPECIAL PRISON FOR WOMEN, MADURAI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.A.BANUMATHY, Advocate (SR-3321[I] dated 18/03/2024)

ORDER

IN

CRL MP(MD) No.3101 of 2024

IN

CRL A(MD)No. 216 of 2024

Date :18/03/2024

PKP/21.03.2024/ 6P/ 7C

Madurai Bench of Madras High Court is issuing certified
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