



CRL MP(MD) No.7667 of 2023

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

Thursday, the Fifteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.7667 of 2023

in

CRL A(MD)No. 408 of 2023

GANESH RAM

... PETITIONER/APPELLANT

Vs

THE INSPECTOR OF POLICE
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO.328 OF 2014.

... RESPONDENT/RESPONDENT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass an order of suspension of Sentence to suspend the sentence of the petitioner imposed vide impugned conviction judgment dt 03.02.2023 made in SC.No.166/2015 on the file of the learned Fast track Mahila Court Virudhunagar District at Srivilliputhur pending disposal of the present criminal appeal.

PRAYER IN CRL A(MD)No. 408 of 2023:

To call for records and set aside the impugned conviction judgment dated 03.02.2023 made in S.C.No.166 of 2015 on the file of the learned Fast Track Mahila Court, Virudhunagar District at Srivilliputhur and acquit the appellant herein.

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

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



CRL MP(MD) No.7667 of 2023

MR.JEYAKARTHIK .M.S., Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence imposed on him by the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, in S.C.No.166 of 2015 dated 03.02.2023 and to enlarge him on bail, pending disposal of the Criminal Appeal.

2. It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner in Crime No.328 of 2014 on the file of the respondent/Inspector of Police, Rajapalayam South Police Station, Virudhunagar District, for the offences punishable under Sections 498(A) and 304(B) of IPC and the same was taken on file in S.C.No.166 of 2015 before the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur. The petitioner was convicted and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.3,000/-, in default to undergo three months simple imprisonment for the offence under Section 498(A) IPC; to undergo ten years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo six months simple imprisonment for the offence under Section 304(B) IPC. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal Case along with



CRL MP(MD) No.7667 of 2023

the above Criminal Miscellaneous Petition seeking suspension of sentence.

3. The learned counsel for the petitioner submitted that the trial Court has failed to consider the fact that the entire evidence of the prosecution is nothing but hearsay evidence and all the prosecution witnesses are interested witnesses and their evidence cannot be relied upon without corroboration. He further submitted that since the marriage between the petitioner and the deceased was a love marriage, the petitioner could not have caused the deceased to commit suicide. He further submitted that the prosecution has also failed to prove the allegation levelled against the petitioner and therefore, the learned counsel prays for suspending the sentence imposed on the petitioner.

4. Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor submitted that the petitioner is the first accused in this case and he is in custody pursuant to the confirmation of conviction by the appellate Court and hence, he opposed to grant suspension of sentence to the petitioner.

5. Heard the learned counsel on either side and perused the materials available



CRL MP(MD) No.7667 of 2023

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6. This Court finds force in the submission of the learned counsel for the petitioner. Considering the facts and circumstances of the case, this Court is of the prima facie view 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 Court is of the considered view that the petitioner herein is 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 S.C.No.166 of 2015 dated 03.02.2023 alone is suspended, subject to the following conditions:-

i) The petitioner 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 Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur.

ii) The petitioner shall appear and sign 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.



CRL MP(MD) No.7667 of 2023

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iii) In case, if the petitioner is unable to appear before the Court on the 1st working day of a month, he shall appear on the next working day.

iv) The petitioner shall furnish his residential address and mobile number to the Trial Court i.e., learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur.

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

sd/-
15/02/2024

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16/02/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RM

TO

- 1 THE SESSIONS JUDGE
FAST TRACK MAHILA COURT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 2 THE INSPECTOR OF POLICE
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.



CRL MP(MD) No.7667 of 2023

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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-1952[I] dated 15/02/2024)

ORDER
IN
CRL MP(MD) No.7667 of 2023
in
CRL A(MD)No. 408 of 2023
Date :15/02/2024

PKP/16.02.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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