



CRL MP(MD) No.8934 of 2024

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

Friday, the Thirtieth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.8934 of 2024

in

CRL RC(MD) No.827 of 2024

JAGADEESAN

... Petitioner / Revision Petitioner /
2nd Respondent

Vs

1 PUNITHA

... Respondent / 1st Respondent / Appellant

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VALLIYOOR.
(CRIME NO.13/2007.)

... Respondent / 2nd Respondent / 1st 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 suspend the sentence imposed upon the petitioner in CA.No.13/2019 dated 6/3/2024 on the file of Learned III Additional District and Sessions Judge, Tirunelveli reversing the Judgment passed in CC No.370/2007 dated 27/11/2018 on the file learned Judicial Magistrate, Valliyoor, Tirunelveli District and enlarge to me on bail pending disposal of above criminal revision.

Prayer in CRL RC(MD). 827/ 2024 :

To call for the records and set aside the Judgment and Conviction passed in Crl.A.No.13/2019 dated 6/3/2024 on the file learned III Additional District Sessions Court, Tirunelveli reversing the Judgment made in CC No.370/2007 dated



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27/11/2018 on the file learned Judicial Magistrate, Valliyoor, Tirunelveli District and set aside the same.

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.R.ARAVINDRAJ, Advocate for the petitioner and of Mr.K.SANJAI GANDHI, Government Advocate (Crl. side) on behalf of the Respondent No.2, while admitting the criminal revision case, the Court made the following order:-

The above petition has been filed to suspend the sentence imposed on the petitioner/accused No.1 by the learned III Additional District and Sessions Judge, Tirunelveli in C.A.No.13 of 2019 dated 06.03.2024 reversing the judgment passed in C.C.No.370 of 2007 dated 27.11.2018 on the file of the learned Judicial Magistrate, Valliyur.

2.The case of the prosecution is that the petitioner and the first respondent are husband and wife, that at the time of marriage, 35 sovereigns of gold jewels and a sum of Rs.50,000/- were presented as dowry. After marriage, the petitioner and other in-laws harassed the first respondent by demanding additional dowry and hence, the first respondent lodged a complaint and on that basis, a case was registered in Cr.No.13 of 2007 by the second respondent.

3.The second respondent, after completing the investigation, has filed the final report for the offences under Sections 498(A) and 406 IPC and Section 4 of the



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Dowry Prohibition Act and the case was taken on file in C.C.No.370 of 2007 and the same was pending on the file of the learned Judicial Magistrate, Valliyur.

4.The learned counsel appearing for the petitioner would submit that the trial Court has acquitted the petitioner and others, vide judgment dated 27.11.2018, that the defacto complainant preferred an appeal in C.A.No.370 of 2007 and that the learned appellate Judge reversed the judgment of acquittal and has convicted the petitioner alone and sentenced him to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/- i/d two weeks simple imprisonment for the offence punishable under Section 498(A) IPC and to one year rigorous imprisonment and to pay a fine of Rs.1,000/- i/d two weeks simple imprisonment for the offence under Section 4 of the Dowry Prohibition Act. He would further submit that the learned Appellate Judge has observed that the petitioner has not paid the arrears of maintenance as ordered by the Family Court and hence he was found guilty of the offence.

5.Being dissatisfied with the said conviction and sentence, the petitioner has preferred the present criminal revision along with the above application for suspension of sentence.

6.The learned counsel appearing for the petitioner would submit that there are several infirmities in the prosecution case and further there are contradictions in



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material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioners have already paid the fine amount.

7.The learned Government Advocate(Crl.side) appearing for the second respondent would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

8.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

9.The learned counsel appearing for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.

10.Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on 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 Judicial Magistrate, Valliyur;



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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; and

(iii) The petitioner shall appear before the trial Court once in a week i.e., on every Monday at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C., and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

sd/-
30/08/2024

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/09/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

To

1.The III Additional District and Sessions Judge,
Tirunelveli.

2.The Judicial Magistrate,
Valliyur.



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3.Do through the Chief Judicial Magistrate,
Tirunelveli District.

4.The Inspector of Police,
All Women Police Station,
Valliyoore.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.ARAVIND RAJ, Advocate (SR-10794[I] dated 03/09/2024)

ORDER
IN
CRL MP(MD) No.8934 of 2024
in
CRL RC(MD) No.827 of 2024
Date :30/08/2024

ED/ GS /SAR- (13/09/2024) 6P / 7C

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