



CRL MP(MD) No.5711 of 2024

WEB COPY

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

Friday, the Sixth day of September Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN
and

The Hon`ble Mr.Justice J.SATHYA NARAYANA PRASAD
CRL MP(MD) No.5711 of 2024

in
CRL A(MD) No.498 of 2024

K.RENGARAJ

... PETITIONER/ APPELLANT

Vs

THE ADDITIONAL DEPUTY SUPERINTENDENT OF POLICE,
SIVAKASI, VIRUDHUNAGAR DISTRICT.

(CRIME NO.1114/2020 ON THE FILE OF
THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
SIVAKASI).

... 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 suspend the sentence imposed in SC.No.96/2021 by the Honble Sessions Judge (Fast Track Mahila Court, Srivilliputhur) in its Judgment dated 16/4/2024 and enlarge the petitioner on bail, pending disposal of the main appeal.

Prayer in CRL A(MD) No.498 of 2024 :

To call for the records and set-aside the judgment passed in S.C.No.96/2021 by the Hon'ble Sessions Judge (Fast Track Mahila Court, Srivilliputhur) in its judgment dated 16.04.2024.

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 MR.LAKSHMI GOPINATHAN, Advocate for M/S.POLAX LEGAL SOLUTIONS for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

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



CRL MP(MD) No.5711 of 2024

WEB COPY

This Criminal Miscellaneous Petition has been filed by the accused seeking suspension of sentence. He had been convicted in S.C. No.96 of 2021 by the learned Sessions Judge, Fast Track Mahila Court, Srivilliputhur by judgment dated 16.04.2024 for the offence under Section 498(A) of IPC and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs. 3,000/- I/d to under to three months rigorous imprisonment and also convicted under Section 304(B) of IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.10,000/- I/d to undergo one year rigorous imprisonment. Along with the petitioner there were two other accused but who had been acquitted from the charges. The petitioner has paid the fine amount.

2. The learned counsel appearing for the petitioner would contend that marriage between the petitioner and the deceased took place on 07.02.2020 and thereafter within three days while the function relating to changing of thali took place there was quarrel between the family of the petitioner and the family members of the accused, there being a complaint that three grams of gold alone had been given where they expected five grams of gold could to be given. It is stated that thereafter on 22.09.2020 the deceased had taken 48 blood pressure tablets from the stock available with her father -in-law who is a blood pressure patient. She was immediately taken to a private hospital wherein treatment was refused and



CRL MP(MD) No.5711 of 2024

thereafter taken to second private hospital where the pulse rate was found decreasing thereby they have advised that she should be shifted to Government Hospital, Madurai. She was admitted on 22.09.2020. Unfortunately inspite of treatment she could not recover from the sufferings and she died on 26.09.2020.

3. The learned counsel appearing for the petitioner pointed out that the doctor of the government hospital who had given treatment from 22.09.2020 to 26.09.2020 had not been examined as a witness. The prosecution had only examined only the two doctor before whom the deceased was taken in the initial stage and who refused treatment and had detected that the pulse rate was decreasing and advised to admit her in the government hospital. The case sheet between 22.09.2020 to 26.09.2020 has also not been produced before this Court.

4. The Prosecution had examined, P.W.9 who is the doctor who conducted post mortem and he during cross examination stated that he suspected that the deceased died of poisoning. Though during post mortem, samples of the vital parts were taken and forwarded for chemical analysis, report of the chemical analysis had not been filed as a report before this Court. The final opinion on the basis of such report alone filed and again there was no conclusive opinion given and it was only stated that the deceased could have died of poison. The learned counsel further contended that there are thus arguable points to be argued during the course of arguing criminal appeal.



CRL MP(MD) No.5711 of 2024

WEB COPY

5. The learned Additional Public Prosecutor drew the attention of the Court to the evidence of P.W.1, father of the deceased who stated that there was a dowry demand of Rs.1 lakh but it is the onus of prosecution to establish such demand and also such demand was consistent and was the direct cause for the cause of death. Additionally the petitioner had been convicted for the offences both under Sections 498(A) and 304(B) of IPC and that is an aspect which should be re-examined by this Court.

6. In view of all these factors, we are inclined to entertain this petition and to suspend the sentence imposed against the petitioner. Accordingly, this Criminal Miscellaneous Petition is ordered and the imprisonment ordered by the trial Court through the impugned judgment, dated 14.06.2024 is suspended subject to the following conditions:-

i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only), with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Srivilliputhur.

ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Committal Court may obtain a



CRL MP(MD) No.5711 of 2024

copy of their Aadhar card or Bank passbook to ensure their identity.

WEB COPY

iii. The petitioner shall report before the learned Sessions Judge, Fast Track Mahila Court, Srivilliputhur in the first working day of every English calendar month at 10.30 AM until further orders.

iv. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

sd/-

06/09/2024

/ TRUE COPY /

/09/2024

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

TO

1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, SRIVILLIPUTHUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE ADDITIONAL DEPUTY SUPERINTENDENT OF POLICE,
SIVAKASI, VIRUDHUNAGAR DISTRICT.

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

5 THE INSPECTOR OF POLICE, TOWN POLICE STATION,
SIVAKASI.

+1 CC to M/s.M/S.POLAX LEGAL SOLUTIONS, Advocate (SR-10996[I] dated
06/09/2024)

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



WEB COPY



CRL MP(MD) No.5711 of 2024

ORDER

IN

CRL MP(MD) No.5711 of 2024

in

CRL A(MD) No.498 of 2024

Date :06/09/2024

RS/VR/SAR-(09.09.2024) 6P 7C

Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023