



Crl.MP(MD)No.7852 of 2024

WEB COPY

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

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

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

Crl.MP(MD)No.7852 of 2024

in

Crl.A(MD)No.652 of 2024

RAVI

... APPELLANT/SOLE ACCUSED

Vs

THE DEPUTY SUPERINTENDENT OF POLICE,
KANYAKUMARI SUB DIVISION,
ANJUGRAMAM POLICE STATION,
KANYAKUMARI DISTRICT,
CRIME NO.805/2012

... RESPONDENT/COMPLAINANT

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 and grant bail to the appellant/Sole Accused against the judgment dated 05.07.2024 in SC.No.169/2014 on the file of the Mahila Fast Track Court, Nagercoil, Kanyakumari District under Section 498A and 304B of IPC, 1860 in Crime No.805 of 2012 on the file the Respondent Police pending disposal of the instant Criminal Appeal on such terms and conditions as may be deemed fit.

Prayer in Crl.A(MD)No.652 of 2024:

Pleased to call for the records of the Judgment dated 05.07.2024 in S.C.No.169 of 2014 on the file of the Mahila Fast Track Court, Nagercoil, Kanyakumari District in Cr.No.805 of 2012 on the file the Respondent Police and set aside the same and Acquit the Appellants/Sole Accused.

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



Crl.MP(MD)No.7852 of 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 M/s.T.SEENI SYED AMMA, Advocate for the petitioner and of Mr.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the Sessions Judge, Mahila Fast Track Court, Nagercoil, Kanyakumari District, in SC No.169 of 2014, dated 05/07/2024 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

2.The case of the prosecution brief:-

On 27/05/2011, the marriage took place between the accused and the deceased Viji. At the time of marriage, sufficient jewels and household articles were provided. After one month of marriage, the accused pledged the jewels of the wife for discharging the loan amount and established a new building for Lathe work. Frequently, the accused was harassing and torturing the deceased demanding dowry. In the month of November 2011, after the birth of a child, the accused took the child and the wife to his matrimonial home. After compromise reached between them in the police station, again within a month, he demanded money. So, Rs.50,000/- was paid on 09/09/2012. Because of the torture made by the accused and demanding dowry, she committed suicide on 11/09/2012 at about 11.00 am. Upon the



Crl.MP(MD)No.7852 of 2024

occurrence, a case in Crime No.805 of 2012 was registered by the respondent police for the offence under sections 498(A), 306(and 304(B) IPC.

WEB COPY

3.After completion of the investigation, the respondent police filed a final report and the same has been taken cognizance in SC No.169 of 2014 by the Sessions Judge, Mahila Fast Track Court, Nagercoil.

4.On the side of the prosecution, 27 witnesses were examined and 18 documents were marked. Apart from that, one material object was marked. On the side of the accused, 2 witnesses were examined, but no document was marked.

5.At the conclusion of the trial process, the trial court found the accused guilty of the offences and sentenced him to undergo 2 years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 4 months RI for the offence under section 498-A IPC; and sentenced to undergo 7 years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo 6 months rigorous imprisonment for the offence under section 304(B) IPC and directed all the sentences to run concurrently.

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 there was



Crl.MP(MD)No.7852 of 2024

no demand of dowry by the petitioner, but the mother-in-law was creating problem in their matrimonial life on some beliefs and because of that issue only, the deceased committed suicide; The evidence of PW1 the mother of the deceased to some extent supported the case of the petitioner.

9. Reading of the evidence does indicate that more than on one occasions, complaint was given in respect of the matrimonial issue. After the birth of the child, wife was taken by the petitioner to his house. At that time, 15 sovereigns of gold jewels which belongs to the wife was handed over. After that only, the children and the wife was taken back on 03/06/2012. After that, the deceased was visiting the parental home for some time. Later, Lathe was shifted to the own land. It is also admitted by PW1.

10. It is the case of the petitioner that Rs.50,000/- was his own chit amount. So, the fact remains that 15 sovereigns of gold was returned to the wife and thereafter only, the wife and child were taken.

11. So, in these circumstances whether any demand of dowry is made or not, is a matter for consideration at the time hearing the main appeal.

12. Considering the above facts and circumstances of the case and the period of incarceration 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



Crl.MP(MD)No.7852 of 2024

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, Mahila Fast Track Court, Nagercoil, Kanyakumari District and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 am until further orders.

sd/-
23/08/2024

/ TRUE COPY /

23/08/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ER
TO

1 THE SESSIONS JUDGE,
MAHILA FAST TRACK COURT, NAGERCOIL,
KANYAKUMARI DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI.

3 THE DEPUTY SUPERINTENDENT OF POLICE,
KANYAKUMARI SUB DIVISION,
ANJUGRAMAM POLICE STATION,
KANYAKUMARI DISTRICT.

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



Crl.MP(MD)No.7852 of 2024

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

ORDER
IN
Crl.MP(MD)No.7852 of 2024
in
Crl.A(MD)No.652 of 2024
Date :23/08/2024

SA/SAR. /23.08.2024/6P/5C

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