



CRL MP(MD) No.10766 of 2024

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

Wednesday, the Sixteenth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.10766 of 2024

IN

CRL A(MD) No.73 of 2023

SAMAYAN

... PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE,
KARIYAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO. 185/2015

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the operation and execution of sentence imposed by the Sessions judge Fast track Mahila court, Virudhunagar district at Srivilliputhur in S.C No. 74/2016 dt. 21.12.2022 till the disposal of the appeal and may be pleased to enlarge the above Petitioner / Appellant on bail till the disposal of pending appeal.

Prayer in CRL A(MD) No.73 of 2023 :

To admit this appeal, to call for records, to set aside the judgment and conviction imposed against the appellants/accused No.1 by Learned Sessions Judge, Fast Track Mahila Court, Srivilliputhur at Virudhunagar District in S.C.No.74 of 2016 dated 21.12.2022 in so far as against the Appellant/Accused No.1 herein and allow the above appeal.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.G.MARIAPPAN, Advocate for the petitioner and of MR.M.SAKTHI KUMAR, Government Advocate

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



CRL MP(MD) No.10766 of 2024

(Crl.Side) on behalf of the Respondent, the court made the following order:-

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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Sessions Judge Fast Track Mahila Court, Virudhunagar, at Srivilliputhur in S.C.No.74/2016 dated 21.12.2022.

2.The learned counsel for the petitioner submitted that the petitioner, who is the first accused in this case, has been found guilty and convicted by the learned Sessions judge, for the offence under Sections 498(A), 304(B) of IPC and sentenced to undergo 2 years of rigorous imprisonment with fine of Rs.1,000/- each and in default to undergo rigorous imprisonment of further period of three months for the offence under Section 498(A) IPC and accused were convicted and sentenced to undergo 10 years of rigorous imprisonment with fine of Rs.3,000/- each and in default to undergo rigorous imprisonment of further period of six months for the offences under Section 304(B) of IPC. Set off under Section 428 Cr.P.C. was also ordered.

3.The case of the prosecution is that the deceased married the first accused and at that time of marriage, she was provided sufficient sridhana articles, jewels, etc. They were blessed with two children. Later, the first accused started demanding more dowry, jewels and harassed the deceased. Accused Nos.2 and 3 were also joined with the first accused in demanding more dowry. On 08.10.2012, the deceased filed a complaint before the All Women Police Station, Aruppukottai. In the enquiry,



CRL MP(MD) No.10766 of 2024

WEB COPY

compromise arrived at between the first accused and the deceased that the first accused undertook to take care of his wife and children properly. Later, again trouble arose between them by the first accused who demanded more dowry. Because of the continuous torture, she committed suicide by pouring kerosene and set fire by herself on 26.04.2015 at about 12.00 p.m. She died in the hospital. Over the above said occurrence, the case was registered and final report was also filed before the trial court after completing the investigation process.

4.Before the trial Court, on the side of the prosecution 15 witnesses have been examined, 10 documents were marked, apart from that 3 material objects were also marked. On the side of the accused none was examined and no document was marked.

5.At the conclusion of the trial, the trial Court came to the finding that the charges framed against the accused persons were proved beyond all reasonable doubts. On that basis, the accused were found guilty and convicted and sentenced as above. Challenging the above said conviction and sentence, appeals have been preferred by the petitioner / first accused, along with accused Nos.2 and 3. By order dated 20.02.2023, this Court has granted relief to the accused Nos.2 and 3 and dismissed the petition in respect of the petitioner herein / first accused. Pending appeal, now the petitioner herein has filed the second application seeking suspension



CRL MP(MD) No.10766 of 2024

of sentence.

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6.Learned counsel for the petitioner would submit that this is the second application seeking suspension of sentence. The first application was dismissed by this Court by order dated 20.02.2023. After lapse of more than one year, this petition has been moved by the first accused.

7.At the time of dismissing the earlier application this Court has made an observation that this petitioner was addicted to liquor and because of the improper conduct on his part, the deceased had committed suicide. When she was admitted in this hospital, she intimated the improper conduct of him.

8.Considering the period of incarceration and also considering the facts that the appeal cannot be taken in the near future and may be taken up for hearing after preparing the typed set of papers, this Court is inclined to grant suspension of sentence to the petitioner.

9.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, and on



CRL MP(MD) No.10766 of 2024

further condition that the petitioner shall appear before the said Court once in a week

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at 10.30 a.m. pending appeal.

sd/-

16/10/2024

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16/10/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

pnn

TO

1 THE SESSIONS JUDGE, FAST TRACK MAHILA COURT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

2 THE INSPECTOR OF POLICE, KARIYAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.G.MARIAPPAN, Advocate (SR-12521[I] dated 16/10/2024)

ORDER

IN

CRL MP(MD) No.10766 of 2024

IN

CRL A(MD) No.73 of 2023

Date :16/10/2024

RS//SAR-(16.10.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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