



*Crl.M.P.No.576 of 2025
in Crl.A.No.60 of 2025*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.576 of 2025

in

Crl.A.No.60 of 2025

1.Jeyaprakash

2.Indirani

... Petitioners/Accused 1 & 2

Vs.

1.State represented by

The Deputy Superintendent of Police,
Gingee Sub Division,
Villupuram District.

2.The State rep. by

The Inspector of Police,
Avalurpet Police Station,
Villupuram.
(Crime No.337 of 2018)

3.S.Yabosh

... Respondents

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430 of BNSS praying to suspend the sentence passed imposed on the petitioners by the judgment dated 30.12.2024 made in Spl.S.C.No.20 of 2021 on the file of the learned Sessions Judge, Special Court for Exclusive trial of Cases registered under the Scheduled Caste and Scheduled Tribes (Prevention of



*Crl.M.P.No.576 of 2025
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Atrocities) Act, Villupuram and release the petitioners on bail pending disposal of the above Criminal Appeal.

For Petitioners : Mr.C.Iyyappa Raj
For Respondent : Dr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioners by the judgment dated 30.12.2024 passed in Spl.S.C.No.20 of 2021 by the learned Sessions Judge, Special Court for Exclusive trial of Cases registered under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Villupuram, pending disposal of the above criminal appeal and enlarge the petitioners on bail.

2. It is the case of the prosecution that on 10.06.2016, the first petitioner and the deceased married pursuant to a love affair and lived in Chennai; that two children were born out of the wedlock; that A2/mother of A1 quarrelled with the deceased demanding dowry and a cash of Rs.50,000/- besides two wheeler and gold ornaments; that A2 often caused harassment to the deceased; that A1 had instructed the deceased to listen to his mother's advice and that the



*Crl.M.P.No.576 of 2025
in Crl.A.No.60 of 2025*

deceased on account of the cruelty in connection with the dowry demand committed suicide on 16.12.2018.

3. The petitioners/A1 & A2 in Spl.S.C.No.20 of 2021 were convicted by the Trial Court by the judgment dated 30.12.2024 for the offences under Sections 498(A) and 304(B) of I.P.C. and sentenced to undergo 3 years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for six months for the offence under Section 498(A) of I.P.C. and for the offence under Section 304(B) of I.P.C., sentenced to undergo 7 years rigorous imprisonment. Aggrieved by the same, he filed Crl.A.No.60 of 2025 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

4.The learned counsel for the petitioners would submit that admittedly the first petitioner and the deceased had married pursuant to a love affair and were living separately; that they have no connection with the family members of the deceased or the first petitioner's mother; that two children were born out of the wedlock and the allegation with regard to the dowry demand is an afterthought; that the evidence would show that the first version with regard to



*Crl.M.P.No.576 of 2025
in Crl.A.No.60 of 2025*

the occurrence has been suppressed and the complaint was given accusing the petitioners of dowry demand, which is false and that there are several arguable points in the above appeal, which requires consideration and prayed for granting suspension of sentence.

5.Heard the learned Government Advocate (Crl. Side) and perused the counter affidavit. The learned Government Advocate per contra submitted that the prosecution had established the case through the evidence of PW1 to PW4 and RDO report, which says that the petitioners had demanded dowry.

6.This Court on perusal of the evidence of PW1/brother of the deceased finds force in the submission made by the learned counsel for the petitioners; that the deceased and the first petitioner had married pursuant to a love affair and they were living separately. It is also seen from the evidence of PW11 that an earlier complaint was given, which has been suppressed by the prosecution. This Court has to examine whether the evidence of witnesses can be believed for sustaining the conviction under Section 304(B) of I.P.C. Considering the fixed period of imprisonment imposed by the trial Court, this Court is inclined to grant suspension of sentence to the petitioners.



*Crl.M.P.No.576 of 2025
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WEB COPY

7. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioners is suspended till the disposal of the above Criminal appeal and the petitioners are ordered to be released on bail on the following conditions:

- (i) The petitioners/A1 & A2 shall execute a bond each for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive trial of Cases registered under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Villupuram;
- (ii) The petitioners and 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 and mobile numbers to ensure their identity; and
- (iii) The petitioners shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 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.

31.01.2025

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Issue order copy by 04.02.2025
Upload the order copy forthwith.



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*Crl.M.P.No.576 of 2025
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SUNDER MOHAN, J.

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To

- 1.The Sessions Judge,
Special Court for Exclusive trial of Cases registered
under the Scheduled Caste and Scheduled Tribes
(Prevention of Atrocities) Act, Villupuram.
- 2.The Deputy Superintendent of Police,
Gingee Sub Division,
Villupuram District.
- 3.The Inspector of Police,
Avalurpet Police Station,
Villupuram.
- 4.The Superintendent,
Central Prison,
Cuddalore.
- 5.The Public Prosecutor,
High Court, Madras.
- 6.The Superintendent,
Special Prison for Woman,
Vellore.

Crl.M.P.No.576 of 2025
in Crl.A.No.60 of 2025

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