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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28-02-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) NO. 2100 of 2025

IN

CRL A(MD).NO.219 of 2025

1.Mariyammal
2.Vellaiyammal

Petitioner(s)

Vs

The State of Tamilnadu
Rep. by The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
Crime No. 96/2011.

Respondent(s)

Prayer: Petition filed under Section 430(1) of BNSS to suspend the execution of the sentence in SC.No.82 of 2018 dated 07.01.2025 on the file of the Mahila Court (Fast Track Court), Ramanathapuram till the disposal of the Criminal Appeal.

For Petitioner(s):	M/s.Karthigaivel.A
For Respondent(s):	Mr.P.Kottaichamy Government Advocate (Crl Side)

ORDER

The petitioners / accused in SC.No.82 of 2018 on the file of the Fast Track Mahila Court, Ramanathapuram were found guilty, convicted and sentenced to



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undergo 3 years rigorous imprisonment with a fine of Rs.500/-, in default, to undergo 3 months simple imprisonment for the offence under Section 306 IPC. As against the conviction, the petitioners have filed an appeal in CrIa(MD)No.219 of 2025. Along with the appeal, the petitioners have filed this miscellaneous petition to suspend the sentence pending the appeal.

2.The learned counsel for the petitioners submits that PW2 the son of the deceased has deposed that the petitioners came to their house on 05.06.2011 and molested the character and fidelity of her mother and her mother committed suicide on 07.06.2011. This evidence itself shows that only after two days the deceased committed suicide and there is no immediate and direct cause from the act of the petitioners, which had driven the deceased to commit suicide. There is no specific overt act as against the petitioners for having abetted the deceased to commit suicide and mere uttering words is not sufficient for conviction. PW1 in his evidence has stated that there is no motive or enmity between the deceased and the petitioners. There is not even an iota of evidence for abetment to commit suicide. The trial Court without considering all these facts, has convicted the petitioners. Moreover the petitioners are 61 and 73 years old women. Therefore, he prays to suspend the sentence pending the criminal appeal.

3.The learned Government Advocate (Crl Side) submits that the trial Court has



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considered the evidence of the prosecution witnesses rightly found the petitioner guilty and imposed conviction on the petitioners. Therefore, he objects to suspend the sentence pending the appeal.

4.This Court considered the rival submissions made and perused the material placed on record.

5.Considering that the petitioners are having some arguable points in the main appeal and the appeal could not be taken up for final disposal immediately, this Court is inclined to suspend the sentence pending the criminal appeal.

6. Accordingly this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioners are ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the Sessions Judge, Fast Track Mahila Court, Ramanathapuram and the petitioners shall report before the trial Court on the first working day of every month.

sd/-
28/02/2025

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/03/2025

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



DSK
TO

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

2 THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION, RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.A.KARTHIGAIVEL, Advocate (SR-2261[I] dated 28/02/2025)

ORDER
IN
CRL MP(MD) No.2100 of 2025
IN
CRL A(MD).NO.219 of 2025
Date :28/02/2025

NBF/GSV / SAR/ (20/03/2025) 4P/5C

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