



CRL RC(MD) NO.231 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25-02-2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) NOs.2428 and 2430 of 2025

in

CRL RC(MD) NO.231 of 2025

Senthilkumar

Petitioner

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
All Women Police Station,
Palani, Dindigul District.
(Crime No.1 of 2017)

Respondent

For Petitioner : Mr.T.Balakrishnan, Advocate

For Respondent : Mrs.M.Aasha, Government Advocate (Crl. Side)

ORDER

These Criminal Miscellaneous Petitions have been filed (i) to suspend the sentence imposed on the petitioner/first accused by the learned Judicial Magistrate, Fast Track Court, Palani, in C.C.No.104 of 2017, dated 29.03.2019, which was modified by the learned Additional District Judge (Fast Track Court), Palani, in Crl.A.No.54 of 2019, dated 12.07.2024 and (ii) to exempt the petitioner to surrender before the trial Court.

2. The case of the prosecution is that the petitioner/first accused and the defacto complainant are husband and wife and the accused 2 and 3 are the mother and sister



CRL RC(MD) NO.231 of 2025

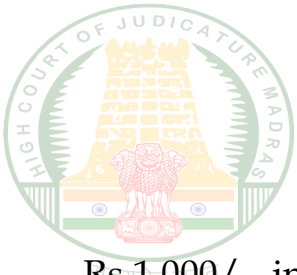
WEB COPY

of the petitioner and that at the instigation of the accused 2 and 3, the petitioner had demanded additional dowry from the defacto complainant and also threatened her with dire consequences and on the basis of the complaint lodged by the defacto complainant, FIR came to be registered in Crime No.01 of 2017.

3. The respondent police, after completing the investigation, has filed the final report and the case was taken on file in C.C.No.104 of 2017 and the same was pending on the file of the Fast Track Court (Magisterial Level), Palani.

4. During trial, the prosecution has examined 12 witnesses as P.W.1 to P.W.12 and exhibited 2 documents as Ex.P.1 to Ex.P.2. The accused have exhibited 5 documents as Ex.D.1 to Ex.D.5.

5. The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, has passed the judgment dated 29.03.2019 convicting the petitioner/first accused for the offences under Sections 498(A) and 406 IPC and Section 4 of Dowry Prohibition Act and sentenced him to undergo 1 year Rigorous Imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 weeks Simple Imprisonment for the offence under Section 498(A) IPC, to undergo 6 months Rigorous Imprisonment and to pay a fine of Rs.500/-, in default, to undergo 2 weeks Simple Imprisonment for the offence under Section 406 IPC and to undergo 1 year Rigorous Imprisonment and to pay a fine of



CRL RC(MD) NO.231 of 2025

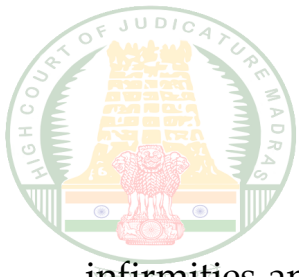
Rs.1,000/-, in default, to undergo 3 weeks Simple Imprisonment for the offence under Section 4 of Dowry Prohibition Act and that the above sentences were ordered to be run concurrently. Challenging the above said conviction and sentence, the petitioner has filed an appeal in Crl.A.No.54 of 2019 on the file of the Additional District Court (FTC), Palani. The learned Appellate Judge, while partly allowing the appeal, has acquitted the petitioner for the offences under Section 498(A) IPC and Section 4 of Dowry Prohibition Act and confirmed the offence under Section 406 IPC. Aggrieved by the same, the petitioner has preferred the present Criminal Revision Case along with the above miscellaneous petitions.

6. The learned counsel appearing for the petitioner would submit that the petitioner has already paid the fine amount. He would further submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

7. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

8. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

9. The learned counsel appearing for the petitioner pointed out that certain



CRL RC(MD) NO.231 of 2025

infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

10. In the result, the Criminal Miscellaneous Petition in CrI.M.P.(MD)No.2428 of 2025 is ordered. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner 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 Judicial Magistrate, Palani;

(ii) 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 to ensure their identity; and

(iii) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed



CRL RC(MD) NO.231 of 2025

by the trial Court.

WEB COPY

11. Accordingly, Crl.M.P.(MD)No.2430 of 2025 is dismissed.

sd/-

25/02/2025

/ TRUE COPY /

/02/2025

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

CSM

TO

1 THE ADDITIONAL DISTRICT JUDGE (FAST TRACK COURT), PALANI.

2 THE JUDICIAL MAGISTRATE, PALANI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
PALANI, DINDIGUL DISTRICT.

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

+1 CC to M/s.T.BALAKRISHNAN, Advocate (SR-2143[I] dated 26/02/2025)

ORDER

IN

CRL MP(MD) NOs.2428 and 2430 of 2025

in

CRL RC(MD) NO.231 of 2025

Date :25/02/2025

RS/GSV/SAR-(03.03.2025) 5P 7C

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