



Crl.MP(MD) No.5135 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.5135 of 2025

in

Crl.A(MD) No.454 of 2025

Sundar Raj

... Petitioner

Vs.

State of Tamil Nadu
represented by
the Deputy Superintendent of Police,
Colachel Sub Division,
Colachel, Kanyakumari District.
[Karungal PS Crime No.416 of 2002]

... Respondent

Prayer: Petition filed under Section 430 of BNSS to suspend the sentence imposed on the petitioner by the Mahila Fast Track Court, Nagercoil, Kanyakumari District in SC.No.118 of 2008 by the judgment dated 30.12.2024 and enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.N.Pragalathan

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl Side)

ORDER

The petitioner an accused in SC.No.118 of 2008 was found guilty by the Mahila Fast Track Court, Nagercoil, Kanyakumari District, convicted and sentenced to undergo 2 years rigorous imprisonment with fine of Rs.1,000/-, in default, to undergo 3 months simple imprisonment for the offence under Section 498(A) IPC, sentenced to



Crl.MP(MD) No.5135 of 2025

WEB COPY

undergo 5 years rigorous imprisonment with fine of Rs.15,000/-, in default, to undergo 3 months simple imprisonment for the offence under Section 3 of the Dowry Prohibition Act and sentenced to undergo 6 months rigorous imprisonment with a fine of Rs.1,000/- in default to undergo 1 month simple imprisonment for the offence under Section 4 of the Dowry Prohibition Act. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in Crl.A(MD) No.454 of 2025 along with this petition to suspend the sentence of imprisonment imposed on him by the trial court. The appeal has been admitted by this Court.

2.The learned Counsel for the petitioner submits that the deceased died of falling from a running train. There is no suicide note and there is no other material as against this petitioner. Moreover, the petitioner did not accompany the deceased in the train. However the trial Court has convicted the petitioner. He further submits that the petitioner has arranged and conducted the marriage of his daughter. He is in jail from the date of conviction.

3.The learned Government Advocate (Crl Side) appearing for the respondent submits that due to the harassment of the petitioner, his wife committed suicide within 4 years from the marriage. The RDO, who conducted the inquest, in his report has clearly stated that there was dowry harassment. Apart from that the prosecution has also proved the case through PW3 and PW4.



Crl.MP(MD) No.5135 of 2025

WEB COPY

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

5.The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioner and for the reason that the appeal could not be taken up immediately, this Court is inclined to allow this petition.

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

sd/-
29/04/2025

/ TRUE COPY /

30/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



Crl.MP(MD) No.5135 of 2025

DSK

TO

WEB COPY

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

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-5224[I] dated 30/04/2025)

ORDER IN
Crl.MP(MD) No.5135 of 2025

in
Crl.A(MD) No.454 of 2025

Date :29/04/2025

SA/SAR. /30.04.2025/4P/6C

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