



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12-03-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) NO. 4731 of 2024
in CRL A(MD)NO. 374 of 2024

Vinoth
S/o Sakthi Dhasan, Elayeerampannai,
Ponnamalpatti, Andipatti taluk,
Theni district.
Now confined at Central Prison, Madurai

Petitioner(s)

Vs

The Inspector of Police
Gandamanoor Police station,
Theni District.
Crime No. 440 of 2017

Respondent(s)

For Petitioner(s):

M/s.Mariappan.R, Advocate

For Respondent(s):

Mr.A.S.Abul Kalam Azad,
Government Advocate (Crl. Side)

ORDER

The petitioner is the first accused. He was tried along with three other accused for the offence u/s.306 IPC. The trial Court acquitted the accused nos.2 to 4, however, convicted the petitioner / first accused and sentenced him to undergo rigorous imprisonment for ten years and to pay a fine of Rs.5000/- i/d to undergo simple



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imprisonment for six months. Challenging the conviction and sentence, the petitioner has filed CrI.A(MD)No.374 of 2024. Pending the appeal, the petitioner has moved this application to suspend the sentence.

2.Learned Counsel for the petitioner submitted that the petitioner is a married man and the fourth respondent is his wife. The victim Maheswari is also a married woman, having two children. The prosecution case is that Maheswari said to have quarrelled with the petitioner and the other accused that the petitioner had lived with her by suppressing his marriage with the fourth accused. She insisted the accused nos.2 & 3 / the parents of the petitioner to arrange for her marriage with the petitioner. It was opposed by the accused nos.2 & 3 and therefore, she is said to have committed suicide. According to the learned Counsel, the words uttered in a fit of anger or emotion without any intention cannot be termed as instigation. Therefore, prayed for suspending the sentence.

3.Heard the learned Government Advocate (CrI. Side) appearing for the respondent Police.

4.Mere uttering of words 'go and die' itself will not constitute such abetment. Such words cannot be given literal meaning so as to say that the accused had abetted the commission of suicide.

5.The Hon'ble Supreme Court in Sontui Rama Krishna v. Sonti Shanti Sree &



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another, reported in AIR 2009 SC 923, has held that to constitute the abatement, it should be established by means of acceptable evidence by the prosecution that the accused had the animus to drive the woman to commit suicide.

6.This Court is of the view that the petitioner is having some arguable points. However, the appeal could not be taken up for final hearing in the near future. The petitioner is in jail for the past one year, since the date of conviction. In view of the above, this Court is inclined to suspend the sentence imposed on the petitioner.

7.Accordingly, this miscellaneous petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal. The petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judge, Additional District Court (FTC), Theni and on further condition that the petitioner shall appear before the trial Court on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.

sd/-
12/03/2025

/ TRUE COPY /

13/03/2025

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



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TO

- 1 THE JUDGE, ADDITIONAL DISTRICT COURT (FTC), THENI.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE
GANDAMANOOR POLICE STATION, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.A.RAJA, Advocate (SR-2693[I] dated 12/03/2025)

ORDER
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in
CRL A(MD)NO. 374 of 2024
Date :12/03/2025

NBF/SAR/ (13/03/2025) 4P/6C

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