



Crl.M.P.(MD)No.6159 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
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DATED: 30.04.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.6159 of 2025

in Crl.A.(MD)No.536 of 2025

1. David H Staffard  
S/o.Hitler  
South Street,  
Near BSNL Office  
Neyoor Post,  
Kanyakumari District.
2. Chandra Hec  
W/o.Hitler  
South Street,  
Near BSNL Office  
Neyoor Post,  
Kanyakumari District.

Petitioner(s)

versus

The State of Tamil Nadu  
Rep. by the Inspector of Police,  
Crime Branch Crime Investigation  
Department (CBCID), Nagercoil  
Kanyakumari District.

Respondent(s)

For Petitioner(s):

Mr.Isaac Mohanlal,  
Senior Counsel  
for M/s.Isaac Chambers



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For Respondent(s):

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

### ORDER

(\*)The 1st petitioner/A1, the husband of the deceased, was prosecuted for the offence under Sections 498(A),279, 304(B) IPC and Section 4 of Dowry Prohibition Act, 1961 and the 2nd petitioner/A2, the mother-in-law of the deceased, was prosecuted for the offence under Section 498(A) and Section 4 of Dowry Prohibition Act in SC.No.160 of 2019 on the file of the Mahila Court, Nagercoil, Kanyakumari District. The marriage between the first petitioner and the deceased was solemnized on 02.05.2014 and they lived together for 3 years and on 04.08.2017, when they were travelling in a car, the car met with an accident, due to which, the deceased sustained injuries and she was admitted in a Hospital and died after three days. Since the deceased died, the case has been projected that there was a dowry demand and the deceased died in suspicious circumstances. Since the deceased died within seven years from the date of marriage in suspicious circumstances, the offence under Section 304(B) has been added as per Section 113 (b) of the Evidence Act. In conclusion of trial, the trial Court, by its Judgment dated 08.04.2025, in SC.No.160 of 2019, acquitted the 1st petitioner from the



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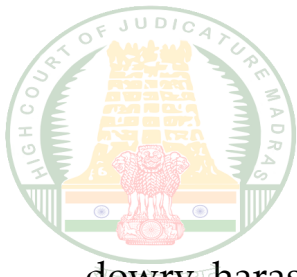
charges under Sections 279, 304(B) IPC and found the petitioners 1 and 2 guilty for the offence under Section 498A IPC and Section 4 of the Dowry Prohibition Act, 1961 and convicted and sentenced them as under:

(i) for the offence under Section 498A IPC, to undergo rigorous imprisonment for a period of one year each and to pay a sum of Rs.1,000/- each, in default, to undergo simple imprisonment for a further period of three months each.

(ii) for the offence under Section 4 of the Dowry Prohibition Act, to undergo rigorous imprisonment for a period of six months each and to pay a sum of Rs.1,000/- each, in default to undergo simple imprisonment for a further period of one month.

Challenging the Judgment of conviction and sentence, the petitioners have preferred an appeal in Crl.A.(MD)No.536 of 2025 and the same is admitted today. Along with the appeal, the petitioners have moved this petition for suspension of sentence.

2. The learned Senior Counsel appearing for the petitioners submits that there was no complaint of dowry harassment for the last three years since the marriage and only after the date of accident on 04.08.2017, for the first time, the complaint of



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dowry harassment was made. The learned Senior Counsel further submits that there was no evidence of dowry harassment except the statement of the deceased's father. Further, P.W.7 and P.W.8, who are the father and mother of the deceased themselves stated in the cross examination that the deceased lived happily with the deceased. The learned Senior Counsel further submitted that the trial Court has already suspended the sentence for a period of one month.

3. Heard the learned Government Advocate (Crl. Side).

4. The learned Senior Counsel has raised certain arguable points, which can be considered only at the time of final hearing and the appeal could not be taken up for final hearing for want of time.

5. Considering the points raised by the petitioners, which can be considered at the time of final hearing and also for the reasons that the appeal could not be taken up immediately and the trial Court has already suspended the sentence for a period of one month, this Court is inclined to allow this petition.

6. Accordingly, the substantive sentence of imprisonment alone is suspended



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pending disposal of the criminal appeal and the petitioners are ordered to be  
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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  
Mahila Court, Nagercoil, Kanyakumari District and on further condition that the  
petitioners shall appear before the said Court once in a month, i.e. on the first  
working day of every English Calender month at 10.30 a.m., till the disposal of the  
appeal.

sd/-

30/04/2025

(\*)Corrected as per the order of this court dated 10.06.2025 made in Crl.M.P.(MD)  
No.6159 of 2025 in Crl.A.(MD)No.536 of 2025

/ TRUE COPY /

10/06/2025

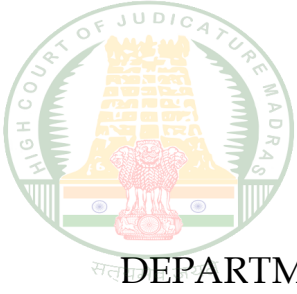
Sub-Assistant Registrar (CS-I/II/III/IV)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

OGY  
TO

To be substituted to the order which is already despatched.

1. THE MAHILA COURT,  
NAGERCOIL, KANYAKUMARI DISTRICT.

2. THE INSPECTOR OF POLICE,  
CRIME BRANCH CRIME INVESTIGATION



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DEPARTMENT (CBCID), NAGERCOIL  
KANYAKUMARI DISTRICT.

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

+1. C.C. to M/S.ISAAC CHAMBERS Advocate SR.No.5203 (I) Dated 30/04/2025

ORDER  
IN  
CRL MP(MD) No.6159 of 2025  
Date :30/04/2025

HPS /10.06 .2025/ 6P/5C

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