



CRL.MP(MD).No.9566 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2025

CORAM:

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL.MP(MD).No.9566 of 2024

in

CRL A (MD).No.740 of 2024

Sundar @ Sunderaswaran

.. Petitioner/ Appellant

Vs.

The State of Tamil Nadu
rep. by Deputy Superintendent of Police,
Kanyakumari Division,
Kanyakumari District.
Suchindram Police Station,
(Crime No.377/2012)

.. Respondent/Respondent

Prayer: This Criminal Miscellaneous Petition is filed to suspend the sentence and grant bail to the petitioner against the conviction and sentence made in SC.No.87/2014, dated 19.07.2024, on the file of the Learned Mahila Fast Track Court, Nagercoil.

For Petitioner : Mr.C.Susikumar

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

ORDER

The petitioner was found guilty by the Learned Mahila Fast Track Court,



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Nagercoil and convicted in SC.No.87 of 2014, and sentenced to undergo 2 years rigorous imprisonment and to pay a fine of Rs.1000/- for the offence under Section 498A of IPC, and further sentenced him to undergo 7 years rigorous imprisonment and to pay a fine of Rs.1,000/- for the offence under Section 304 (B) of IPC and further sentenced to undergo (3) years rigorous imprisonment and to pay a fine of Rs.1000/- for the offence under Section 306 of IPC with default clauses.

2. The case of the prosecution is that the petitioner harassed the deceased Alaimagal both physically and verbally by demanding dowry and forced her to commit suicide. In conclusion of the Trial, this petitioner was found guilty of the aforesaid offences and convicted as stated above.

3. As against the conviction, the petitioner has filed an appeal before this Court in CRL A (MD).No.740 of 2024 and the same was admitted by this Court. The petitioner has also filed this miscellaneous petition to suspend the sentence as against him.

4. The learned counsel for the petitioner submits that this petitioner is in jail since 19.07.2024 and there are some arguable points in respect of this appeal. Apart from that the learned counsel for the petitioner submits that the petitioner is having a child through the deceased and the child is with his parents custody.

5. Heard the learned Government Advocate (Crl. Side) for the respondent who



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vehemently opposed to grant suspension of sentence to the petitioner.

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

7. Considering the period of incarceration and considering that the petitioner is having some arguable points in the main appeal and it could not be taken for final disposal immediately, this Court is inclined to suspend the sentence imposed on the petitioner.

8. 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 only) with two sureties each for a like sum to the satisfaction of the learned Mahila Fast Track Court, Nagercoil and on further condition that the petitioner shall appear before the said Court on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.

sd/-

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03/03/2025

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

NST

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- TO
- 1 THE MAHILA FAST TRACK JUDGE,
NAGERCOIL.
 - 2 THE DEPUTY SUPERINTENDENT OF POLICE,
KANYAKUMARI DIVISION, KANYAKUMARI DISTRICT.
SUCHINDRAM POLICE STATION
 - 3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.9566 of 2024
in
CRL A (MD).No.740 of 2024
Date :26/02/2025

SS/SAR- /03/03/2025/ 4P/5C

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