



CrIMP(MD)No.559 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.559 of 2024
in
CrIA(MD)No.158 of 2023**

Jestinson

...Petitioner

Vs

**The State of rep by
The Inspector of Police,
Pudhukadai Police Station,
Kanyakumari District,
[Crime No.438 of 2012]**

... Respondent

PRAYER: Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence of imprisonment imposed by the Sessions Fast Track Mahila Court, Kanyakumari at Nagercoil in SC.No.133 of 2013 by judgment dated 13.09.2022 and enlarge the petitioner / appellant on bail pending disposal of the above said appeal.

**For Petitioner : Mr.V.Bala Sundara Kumar
for Aayiram K.Selvakumar**

**For Respondent : Mr.AS.Abul Kalaam Aazad
Government Advocate**



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ORDER

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The petitioner / accused No.1 in S.C.No.133 of 2013 on the file of the Fast Track Mahila Court, Kanyakumari at Nagercoil was tried along with accused No.2 and by judgment dated 13.09.2022 the petitioner was found guilty, convicted and sentenced to undergo two years of rigorous imprisonment along with fine of Rs.5000/-, in default, to undergo six months simple imprisonment for the offence under Section 498A IPC; sentenced to undergo ten years rigorous imprisonment along with fine of Rs.5000/-, in default, to undergo six months simple imprisonment for the offence under Section 306 IPC; and sentenced to undergo two years of rigorous imprisonment along with fine of Rs.5000/-, in default, to undergo six months simple imprisonment for the offence under Section 4 of Dowry Prohibition Act. As against the conviction and sentence imposed by the trial Court the petitioner has filed a Criminal Appeal in CrI.A(MD)No.158 of 2023 and the same was admitted by this Court on 02.03.2023. Along with the appeal, the petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.



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2.The petitioner is the husband of the deceased and their marriage was solemnised on 14.09.2005. They were having two children. The petitioner is said to have collected all the jewels of the victim and sold the same and he also demanded money for the purpose of getting employment for A2. Therefore, she on frustration along with her two children jumped before the running train and all the three died. Hence the case.

3.The learned counsel appearing for the petitioner submits that the petitioner's wife has not only committed suicide, but also killed her two children. He further submits that the eye witness projected by the respondent police is not a reliable witness. Further some of the documents have been fabricated by the investigating agency. He also submits that even assuming the diary as a suicide note, the contents of the diary would expose that it was on frustration, the deceased has committed suicide. According to the learned counsel the petitioner is in jail for the past 3 ½ years.



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4.The learned Government Advocate appearing for the respondent submits that though the sentence imposed on the accused No.2 has been suspended, the earlier applications filed by the petitioner for suspending the sentence were dismissed by this court. This is the 3rd application filed for suspending the sentence. He further submits that there is no change in circumstance. He has relied on Ex.P.22 suicide note of the victim.

5.This court has considered the rival submissions made.

6.The victim wife of the petitioner along with her two children jumped before the running train and committed suicide. It is projected by the prosecution that due to dowry harassment she has committed suicide. The petitioner has raised certain arguable points in this petition, 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 period of incarceration, co-accused has been already enlarged on bail and for the reason that the appeal could not be taken up immediately, this Court is inclined to allow this petition.



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7. Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending disposal of the criminal appeal on the following conditions:

(i) The petitioner is ordered to be enlarged on bail on executing a bond for Rs.1,00,000/- (Rupees One Lakh) with two sureties each for a like sum, to the satisfaction of the Fast Track Mahila Court, Kanyakumari at Nagercoil.

(ii) The petitioner shall file an affidavit before the respondent police that he will not misuse this liberty and he will be available during the appeal proceedings.

(iii) The petitioner shall report before the trial court on the first working day of every month.

(iv) If the petitioner changes his residence, the same shall be informed to the respondent police immediately with correct address.

(v) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

15.04.2026

DSK



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- 1.The Inspector of Police,
Pudhukadai Police Station,
Kanyakumari District,
- 2.The Sessions Judge.
Fast Track Mahila Court,
Kanyakumari at Nagercoil.
- 3.The Superintendent, Central Prison,
Palayamkottai.

Copy to

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI.J.,

DSK

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