

Petitioner Vs. Respondent

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Court : Chennai

Decided On : Oct-07-2016

Judge : M. Venugopal

Appeal No. : Crl.M.P.No. 10082 of 2016 in Crl.A.No. 709 of 2016

Appellant : Petitioner

Respondent : Respondent

Judgement :

M. Venugopal, J.

1. Heard Mr.I.Paul Noble Devakumar, Learned counsel for the Petitioner/Appellant and Mr.B.Ramesh Babu, Learned Government Advocate (Crl. Side) for the Respondent/Complainant.

2. The Petitioners/Appellants/A1 and A2 have preferred the instant Criminal Appeal before this Court as against the Judgment dated 29.08.2016 in S.C.No.114 of 2015 passed by the Mahila Court, Salem.

3. It transpires that the Petitioners/Appellants/A1 and A2 were convicted and sentenced them to undergo 3 years Rigorous Imprisonment in respect of an offence under Section 498(A) I.P.C. Further, the Petitioners were directed to pay a fine of Rs.5000/- each and in default of payment of said fine amount, they were

further directed to undergo 3 months Simple Imprisonment. However, in respect of the offence under Section 304(B) I.P.C., both of them were convicted and sentenced them to undergo 7 years Rigorous Imprisonment and each of them were also imposed with a fine of Rs.5000/-, in default of payment of said fine amount, further they were directed to undergo 3 months Simple Imprisonment. As regards the offence under Section 4 of the Dowry Prohibition Act, 1961, both the Petitioners/A1 and A2 were convicted and sentenced them to undergo 2 years Rigorous Imprisonment and also they were directed to pay a fine of Rs.1000/- each, in default of payment of fine, each of them were directed to undergo one month Simple Imprisonment.

4. In short, the total fine amount of Rs.22,000/- was imposed in S.C.No.114 of 2015 dated 29.08.2016 by the trial Court and in fact, the 1st Petitioner/A1 and the 2nd Petitioner/A2 had remitted their fine amount of Rs.11,000/- each on 06.10.2016 to the credit of S.C.No.114 of 2015 before the trial Court.

5. In the instant case on hand, the Petitioners/A1 and A2, admittedly, have preferred the instant Criminal Appeal before this Court as aggrieved persons (being dissatisfied with the Judgment dated 29.08.2016 in S.C.No.114 of 2015 passed by the trial Court).

6. It cannot be brushed aside that filing of an 'Appeal' is a statutory right given to a party/litigant and in the present case, the Petitioners/Appellants/A1 and A2 have exercised their rights, as envisaged under Criminal Procedure Code, by filing the present Criminal Appeal.

7. At this stage, this Court, on perusal of the numerous grounds raised by the Petitioners/Appellants/A1 and A2, is of the earnest view that the Petitioners/Appellants/A1 and A2 have raised some substantial/arguable points which require detailed consideration in the hands of this Court at the time of final hearing of the Appeal. Moreover, this Court is alive to the fact that the present Criminal Appeal is not likely to be taken up for final disposal in the near future.

8. Per contra, the Learned Government Advocate (Crl. Side) for the Respondent submits that the trial Court, on an appreciation of oral and available documentary

evidence on record, had found that the Petitioners/Appellants/A1 and A2 guilty and awarded necessary punishments and the same is free from any flaw.

9. In view of the fact that the Petitioners/Appellants/A1 and A2 have preferred the instant Criminal Appeal before this Court, as aggrieved persons and this Court, taking note of yet another fact that an 'Appeal' is a continuation of proceedings in Law and also, this Court, taking note of the whole gamut of the available materials on record etc., at this stage, is inclined to suspend the Substantial Sentence of Imprisonment alone and directs the release of the Petitioners/Appellants/A1 and A2, each of them executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a likesum to the satisfaction of the Mahila Court, Salem and on further condition that they shall appear before the said Court on the First Working day of every English calendar month at 11.00 a.m. without fail till the disposal of the Criminal Appeal.

10. Accordingly, the Crl.M.P.No.10082 of 2016 is ordered.

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