



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Sixteenth day of October Two Thousand and Twenty

PRESENT

The Hon'ble Mrs.Justice R.THARANI

CRL MP(MD) No.4893 of 2020

IN

CRL A(MD) No.300 of 2020

PONRAJ

... PETITIONER/APPELLANT/
SOLE ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
AUNDIPATTI POLICE STATION,
THENI DISTRICT.
CR.No.194 OF 2013

... RESPONDENT/RESPONDENT/
COMPLAINANT

Prayer in CRL MP(MD) No.4893 of 2020:

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed in Judgment dated 26.08.2020 made in S.C.No.119 of 2014 on the file of the learned Fast Track Mahila Court, Theni and enlarge him on bail pending disposal of the above Criminal Appeal.

Prayer in CRL A(MD) No.300 of 2020:

To call for the Judgment dated 26.08.2020 passed by the Fast Track Mahila Court, Theni in Sessions Case No.119 of 2014 in Crime No.194 of 2013 on the file of the Respondent Police, whereby the Trial Court has convicted the Appellant U/s.376 of IPC and sentenced him to undergo 10 years Rigorous Imprisonment and to pay a fine of Rs.60,000/- in default to undergo Rigorous Imprisonment for 2 years and further the Trial Court has convicted the Appellant U/s.506(i) of IPC and sentenced him to undergo 6 months Simple Imprisonment and acquit the Appellant by allowing the above appeal.

Order : This petition coming on for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.J.LAWRANCE, Advocate for the petitioner and of MRS.S.BHARATHI, Government Advocate on behalf of the Respondent, the Court made the following order:-

This petition has been filed to suspend the sentence passed by the Fast Track Mahila Court, Theni, in S.C.No.119 of 2014, dated 26.08.2020 and to enlarge the petitioner on bail, pending the disposal of the Criminal appeal.



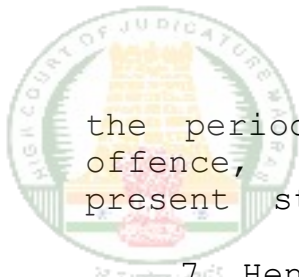
2.The offence against the petitioner is that the petitioner committed rape on the victim and threatened her with dire consequences. A case in Crime No.194 of 2013, was registered against the petitioner and the same was taken on file as S.C.No.119 of 2014 by the Fast Track Mahila Court, Theni. The Charge was framed under Sections 376, 417 and 506(i) I.P.C. After trial, the petitioner was found guilty under Sections 376 and 506(i) I.P.C and was acquitted under Section 417 I.P.C. by the Fast Track Mahila Court. The petitioner was sentenced to undergo ten years rigorous imprisonment and to pay a fine of Rs.60,000/- (Rupees Sixty Thousand only), in default, to undergo further period of two years rigorous imprisonment under Section 376 I.P.C. and was sentenced to undergo six months simple imprisonment under Section 506(i) I.P.C. Against the said conviction and sentence, the petitioner filed an appeal, in Crl.A.(MD)No.300 of 2020. Along with the appeal, the petitioner preferred the present application for suspension of sentence.

3.On the side of the petitioner, it is stated that the petitioner was a mason, P.W.1 worked as a helper. P.W.1 was well aware that the petitioner was already married and was having two children. There was love affair between P.W.1 and the petitioner. They were in relationship for a period of more than one year. Manner of occurrence as stated by the prosecution is un-believable. There are contradictions between the evidence of P.W.1 and the complaint. P.W.1 has admitted her relationship and her knowledge that the petitioner was already married. Before filing the case, a Panchayat was conducted, wherein, P.W.1 demanded the petitioner to settle some amount. Only on refusal to pay some amount, P.W.1 has lodged the complaint. P.W.14, who is the sister of P.W.1, has admitted that there was love affair between the petitioner and P.W.1 for a period of two years. P.W.2, who is the owner of the building, did not support the case of the prosecution. There are much more points for arguments in the main appeal and prayed the sentence to be suspended till the disposal of the appeal.

4.On the side of the respondent, it is stated that the medical report of the victim was marked as Ex.P.2. DNA report was marked as Ex.P.4. Evidence of P.W.1 is supported by the medical evidence. DNA report proved that the petitioner is the biological father of the child. Prosecution has examined 23 witnesses (P.W.1 to P.W.23) and marked 8 documents (Ex.P1 to P8). The prosecution has proved the case beyond on all reasonable doubts and if the sentence is suspended, there is a chance for the petitioner to escape from the clutches of law and prayed the petition to be dismissed.

5.Heard the learned counsel on either side and perused the materials available on record.

6. It is seen that the petitioner is inside the prison from 26.08.2020. The judgment is only a recent judgment. Considering



the period of incarceration and considering the nature of the offence, this Court is not inclined to allow the petition at the present stage.

7. Hence, this petition is dismissed.

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sd/-
16/10/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDGE,
FAST TRACK MAHILA COURT,
THENI.
2. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
3. THE INSPECTOR OF POLICE,
AUNDIPATTI POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP(MD) No.4893 of 2020
IN
CRL A(MD) No.300 of 2020
Date :16/10/2020

LS
TE/AKM/SAR-IV : 03/11/2020 : 3P/5C