

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Fifth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL MISCELLANEOUS PETITION No.3782 of 2021

IN CRL.A.No.137 of 2021

RAJIV GANDHI

[PETITIONER / APPELLANT]

Vs

STATE REP.BY

[RESPONDENT / RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KOTTAKUPPAM.
CR.NO.5 OF 2012.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.137/2021 on the file of the High Court, the High Court will be pleased to release the petitioner on bail who is confined in Sub Jail, Villupuram in connection with Judgement dated 03.03.2021 in S.C.No.20 of 2013, on the file of Court of Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Villupuram.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.137/2021 on the file of the High Court and upon hearing the arguments of M/S.K.S.ILANGO VAN, Advocate for the Petitioner and of M/S.T.P.SAVITHA, Government Advocate (crl.side) on behalf of the Respondent the court made the following order:-

This petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment dated 03.03.2021 in S.C.No.20 of 2013 on the file of the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Villupuram.

2. The learned counsel for the petitioner would submit that the petitioner who was arrayed as accused in S.C.No.20 of 2013 was convicted and sentenced for the offence under Section 375/376 IPC to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.3,00,000/-, in default, to undergo six months simple

imprisonment. He would further submit that the trial Court has failed to appreciate the entire evidence wrongly convicted and sentenced the petitioner and he is in custody. Therefore, he prays to grant suspension of sentence to the petitioner.

3. The learned Government Advocate (Crl.Side) would strongly object the petition and submits that the petitioner was convicted and sentenced to undergo seven years rigorous imprisonment and that the petitioner is now in jail.

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

5. It is seen from the records that the appellant, on a false promise to marry the victim girl, induced her and had sexual intercourse with her; she became pregnant; after giving birth to a child, the victim girl died by committing suicide. There is a substantive overtact attributed against the petitioner and the trial Court, after considering the entire materials, found that the accused committed the charged offence and convicted and sentenced the petitioner. There is no ground made out to grant suspension of sentence to the petitioner.

6. Considering the serious gravity of the offence committed by the petitioner under Section 375/376 IPC, this Court is not inclined to grant suspension of sentence to the petitioner.

7. Accordingly, this miscellaneous petition is dismissed.

-sd/-
25/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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TO

1 THE SESSIONS JUDGE,
MAGALIR NEETHIMANDRAM
(FAST TRACK MAHILA COURT),
VILLUPURAM.

2 THE OFFICER INCHARGE
SUB JAIL, VILLUPURAM.

3 THE SUPERINTENDENT,
DISTRICT PRISON,
VEDAMPATTU, VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KOTTAKUPPAM.

6 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

C.C. to M/S ACHARI AND ANTONI ASSOCIATES Advocate on payment of
necessary charges

Order

in
CRL MP.3782/2021

in
CRL.A.137/2021

Date :25/03/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
cs 29/03/2021

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