



WEB COPY

CRL MP(MD)



21

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

Thursday, the Tenth day of November Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL MP(MD) No.807 of 2021

IN

CRL A(MD) No.49 of 2021

MALAIYANDI

... APPELLANT/SOLE ACCUSED

Vs

State Rep.by
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ARANTHANGI, PUDUKKOTTAI DISTRICT.
(CR.NO.8/2018)

... RESPONDENT/COMPLAINANT

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 of imprisonment imposed by the Learned Sessions Judge Mahila Court, Pudukkottai in S.C.No.43/2019 dated 27.01.2021 and enlarge the Petitioner/Appellant on bail pending disposal of the above said Criminal Appeal.

Prayer in CRL A(MD).49 of 2021 :

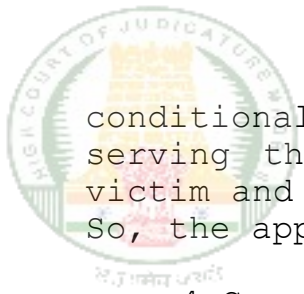
To set aside the judgment and conviction dated 27.01.2021 by the learned Sessions Judge, Mahila Court, Pudukkottai in S.C.No.43 of 2019 and acquit the Appellant.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.D.RAMESHKUMAR, Advocate for the petitioner and of MR.SS.MADHAVAN, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

The appellant/sole accused was released on bail by suspending the sentence, by order, dated 22/02/2021 made in Crl.MP(MD)No.807 of 2021. But the above said order was not complied by the appellant/sole accused. So he was secured and committed to prison.

2.Mentioning was made by the learned counsel appearing for the appellant/sole accused that subsequent to the above said judgment, there was a compromise between the victim girl and the appellant/sole accused and both of them got married. Because of the above said marriage, a male child is also born. On that account, he again seeks suspension of sentence.

3.Even though, the second suspension of sentence is not maintainable, but the fact remains that the victim has also filed an affidavit to the effect that there was a compromise between them and they were married to each other. Because of the non-observation of the



conditional order, he was arrested and committed to prison for serving the sentence, on 03/11/2022. Mere compromise between the victim and the appellant/sole accused will not cure the criminality. So, the appeal must be disposed on merits.

4. Considering the development took place subsequent to the above said judgment, the substantive sentence of imprisonment alone is suspended on condition that he must argue the main appeal, on **18/11/2022**, failing which, again he will be taken into custody for serving the sentence. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the appeal on the following conditions:-

(i) the appellant/sole accused is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Sessions Judge, Mahila Court, Pudukottai; and

(ii) on further condition that the appellant/sole accused shall appear before the said Court once in a week i.e., on the first working day of every week at 10.30 am pending appeal.

5. Call on **18/11/2022** for arguing the main appeal.

sd/-

10/11/2022

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11/11/2022

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

TO

- 1 THE SESSIONS JUDGE, MAHILA COURT, PUDUKOTTAI.
- 2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, ARANTHANGI, PUDUKKOTTAI DISTRICT
- 3 THE OFFICER INCHARGE, SUB JAIL, ARANTHANGI, PUDUKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL MP(MD) No.807 of 2021
IN CRL A(MD) No.49 of 2021
Date : 10/11/2022

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