



WEB COPY



Crl.M.P.No.8808 of 2022
in Crl.A.No.660 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.8808 of 2022 in Crl.A.No.660 of 2022

Saranraj

... Petitioner

Versus

The State represented by the
The Inspector of Police,
All Women Police Station,
Tiruvarur.
(Cr. No.3/2021).

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of the Code of Criminal Procedure to suspend the sentence of Rigorous Imprisonment for twenty years imposed by the learned Sessions Judge, Fast Track Mahila Court, Tiruvarur in Spl S.C.No.31 of 2021, dated 08.04.2022 pending disposal of the Criminal Appeal by this Court.

For Petitioner : Mr.K.Prabhakaran

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)



Crl.M.P.No.8808 of 2022
in Crl.A.No.660 of 2022

WEB COPY

ORDER

This Criminal Miscellaneous Petition is to suspend the sentence of Rigorous Imprisonment for twenty years imposed by the learned Sessions Judge, Fast Track Mahila Court, Tiruvarur in Spl S.C.No.31 of 2021, dated 08.04.2022 pending disposal of the Criminal Appeal by this Court.

2. Heard the learned Counsel for the petitioner and learned Government Advocate (Criminal Side) for the respondent.

3. The learned Counsel for the petitioner represents that the allegations, in this case, are in the nature of love affair and the girl was aged 15 years and the boy was aged 20 years at the time of occurrence and submits that the Trial Court has erroneously convicted the petitioner.

4. Per contra, the learned Government Advocate (Crl. Side) would submit that in any event, in this case, the prosecution has proved that the girl is less than 18 years of age and therefore, the Trial Court had rightly convicted the petitioner.



Crl.M.P.No.8808 of 2022
in Crl.A.No.660 of 2022

5. Considering the nature of allegations in this case, being in the nature of love affair, considering the age of the victim and the accused at the time of occurrence and considering the fact that the petitioner is under incarceration from 08.04.2022 i.e., from the date of the judgment, I am of the view that this is a case for grant of suspension of sentence pending disposal of the Criminal Appeal and accordingly, the sentence is suspended on the following terms:-

(a) the petitioner is ordered to be released on bail, on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Trial Court;

(b) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Judge may obtain a copy of their Aadhar Cards or Bank Pass books to ensure their identities;

(c) the petitioner shall appear before the Trial Court on the first working day of every English Calendar Month at 10.30 A.M until the disposal of the Criminal Appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C., and shall appear before the Trial Court on any other day in *lieu* of the date of his absence, as directed by the Trial Court.



WEB COPY



Crl.M.P.No.8808 of 2022
in Crl.A.No.660 of 2022

6. This Criminal Miscellaneous Petition is ordered accordingly.

08.08.2022

Index : yes/no

Internet : yes/no

Speaking order/Non-speaking order
grs

To

1. The Sessions Judge, Fast Track Mahila Court,
Tiruvarur.
2. The Public Prosecutor,
High Court of Madras.
3. The Inspector of Police,
All Women Police Station,
Tiruvarur.
4. The Superintendent,
Central Prison,
Trichy.



WEB COPY



Crl.M.P.No.8808 of 2022
in Crl.A.No.660 of 2022

D.BHARATHA CHAKRAVARTHY. J.,

grs

Crl.M.P.No.8808 of 2022
in Crl.A.No.660 of 2022

08.08.2022