



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

Friday, the Fourth day of February Two Thousand and Twenty Two
PRESENT

The Hon`ble Mrs.Justice R.THARANI

Crl. M.P. (MD)No.1676 of 2022

in

Crl.A. (MD)No.27 of 2022

PUGALENTHI

... APPELLANT / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KELAKARAI,
RAMANATHAPURAM DISTRICT.
(CRIME NO.05/2015)

... 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 imposed on the petitioner / appellant / sole accused by the Learned Fast Track Mahila court, Ramanathapuram in S.C No. 28/2019 dated 20.04.2021 and enlarge him on bail pending disposal of the Crl Appeal

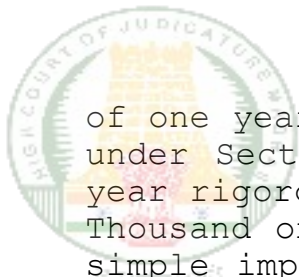
Prayer in Crl.A. (MD)No.27 of 2022:

To call for the records on the file of Learned Fast Track Mahila Court, Ramanathapuram District in S.C.No.28 of 2019 dated 20.04.2021 and set aside the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.M.JEGADEESH PANDIAN, Advocate for the petitioner and of MR.A.M.ANBUNITHI, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed against the petitioner, in S.C.No.28 of 2019, dated 20.04.2021, on the file of the Fast Track Mahila Court, Ramanathapuram, till the disposal of the appeal.

2. The case against the petitioner is that on 19.03.2015 at about 06.00 p.m., the petitioner committed rape on the victim. A case in Crime No.5 of 2015 was registered by the respondent police against the petitioner and the same was taken on file as S.C.No.28 of 2019, on the file of the Fast Track Mahila Court, Ramanathapuram. After the trial, the Mahila Judge found the petitioner guilty under Sections 366 and 376(1) of I.P.C. The trial Court convicted the petitioner under Section 366 of I.P.C and sentenced him to undergo seven years rigorous imprisonment and to pay a fine of Rs.5,000/- (Five thousand only), in default, to undergo a further period



of one year simple imprisonment and further convicted the petitioner under Section 376(1) of I.P.C., and sentenced him to undergo seven year rigorous imprisonment and to pay a fine of 5,000/- (Rupees Five Thousand only), in default, to undergo a further period of one year simple imprisonment. Against the conviction and sentence imposed by the trial Court, the petitioner has filed a criminal appeal in Crl.A.(MD)No.27 of 2022 and along with the appeal, he has filed this petition for suspension of sentence.

3. On the side of the petitioner, it is stated that only due to previous motive, a false case was foisted against the petitioner. The medical evidence has not supported the case of the prosecution. The earlier complaint was suppressed by the prosecution and most of the witnesses did not support the case of the prosecution and prayed the sentence to be suspended.

4. On the side of the prosecution, it is stated that the offence is serious in nature. The prosecution has examined 13 witnesses and marked 11 documents and two Material Objects and has proved the case beyond all reasonable doubts and prayed the petition to be dismissed.

5. It is seen that the petitioner is in custody from 20.04.2021 I.e., from the date of judgment of the trial Court. Considering the age of the petitioner and also considering the period of incarceration, this Court is inclined to suspend the sentence with certain conditions.

6. Accordingly, the substantive sentence of imprisonment alone is suspended till the disposal of the appeal and the petitioner is ordered to be released on bail on the following conditions:

(i) the petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate No.I, Ramanathapuram;

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity;

(iii) the petitioner shall appear before the respondent police daily at 10.30 a.m., until the disposal of the appeal.

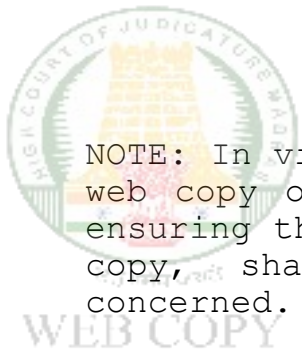
sd/-

04/02/2022

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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 FAST TRACK MAHILA COURT,
RAMANATHAPURAM.
- 2 THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.
- 4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KELAKARAI,
RAMANATHAPURAM DISTRICT.
- 5 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
Crl. M.P. (MD)No.1676 of 2022
in
Crl.A. (MD)No.27 of 2022
Date :04/02/2022

AM
MK/VR/SAR.I/09.02.2022/3P/7C