



CRL.M.P.(MD)No.10070 of 2022

CRL.M.P. (MD)No.10070 of 2022
in
CRL.A. (MD)No.525 of 2022

G.ILANGOVAN, J.

This Criminal Miscellaneous Petition is filed to suspend the conviction and sentence imposed upon the petitioner in Special SC No.26 of 2018, dated 14/06/2022 by the Mahila Court, Pudukkottai and enlarge the petitioner on bail pending disposal of the criminal appeal.

2.The case of the prosecution is that the first accused and the de-facto complainant were divorcees. The first accused without informing the above said divorce, living with the de-facto complainant for some time. A2 to A5 received money from the de-facto complainant on various occasions. They also demanded dowry, thereby caused mental stress. The first accused also demanded Rs.5,00,000/- from the de-facto complainant towards settlement of the maintenance to A1's first wife. When the de-facto complainant was in Singapore, A1 attracted the victim girl and kept in his custody, took photographs and by making threat, she was induced to marry. On the basis of the above said occurrence, a case was registered in Crime No.5 of 2018 and it was taken cognizance in Spl. SC No.26 of 2018 by the Mahila Court, Pudukkottai.



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3.On the side of the prosecution, 14 witnesses have been examined and 26 documents have been exhibited, apart from 2 material objects. On the side of the accused, 2 witnesses have been examined and 15 documents have been exhibited and no material object was marked.

4.The petitioner was facing the charges for the offences under sections 417, 420, 494, 495, 496, 498(A)(b), 506(i) IPC and sections 8, 14(4) of POCSO Act and section 67 of IT Act. The trial court found the petitioner/A1 guilty and sentenced him to undergo imprisonment as detailed hereunder:-

Section	Sentenced	Fine Amount
417 IPC	To undergo 1 year R/I	To pay a fine amount of Rs. 10,000/- with default clause.
420 IPC	To undergo 7 years R/I	To pay a fine amount of Rs. 50,000/- with default clause.
494 IPC	To Undergo 7 years R/I	To pay a fine of Rs.50,000/- with default clause.
495 IPC	To undergo 10 years R/I	To pay a fine of Rs.50,000/- with default clause.
496 IPC	To undergo 7 years R/I	To pay a fine of Rs.50,000/- with default clause.
498(A)(b) IPC	To undergo 3 years R/I	To pay a fine amount of Rs. 50,000/- with default clause.
506(i) IPC	To undergo 2 years R/I	Nil

5.Challenging the above said sentence, criminal appeal has been preferred before this court. Pending



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appeal, this miscellaneous petition has been filed by the petitioner on the ground that A2 to A5 have been granted bail by this court by suspending the sentence, by order, dated 14/07/2022, in CrI.MP(MD)Nos.6989 to 6992 of 2022.

6.Heard both sides.

7.The learned counsel appearing for the petitioner/A1 would submit that even as per the case of the prosecution, if it has taken its face value, it is nothing, but void marriage. In the facts and circumstances, the offence under section 420 IPC may not be attracted. No evidence has been let in to show the source from which the information has been gathered.

8.Per contra, the learned Additional Public Prosecutor would submit that A1 is not having a good conduct and he has created a forged Diploma Certificate and submitted the same before the Singapore Immigration check point, for which, he was sentenced to undergo imprisonment for four weeks.

9.Reading of the evidence of PW1 shows that A1 is not only cheated the de-facto complainant, but also the victim girl, who is noway connected with the family issue.



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10.As pointed by the learned Additional Public Prosecutor, whether the alleged marriage is a void or not is a matter for consideration at the time appeal.

11.On going through the judgment of conviction, this court is not convinced to suspend the sentence. If the petitioner is enlarged on bail by suspending the sentence, there is every likelihood of absconding and making trouble to the de-facto complainant. So this is not a fittest case to exercise the discretionary power of this court under section 389 Cr.P.C.

12.In the result, this criminal miscellaneous petition is **dismissed**.

28.09.2022

Index : Yes/No
Internet : Yes/No
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G. ILANGO VAN, J.

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in
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