



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

Monday, the Twenty First day of November Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.13638 of 2022
in
CRL A(MD) No.525 of 2022

SOLAI GANESAN

... PETITIONER/PETITIONER
/APPELLANT/ACCUSED NO.1

Vs

State Rep.by
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.
CRIME NO.5 OF 2018.

... RESPONDENT/RESPONDENT
/RESPONDENT/COMPLAINANT

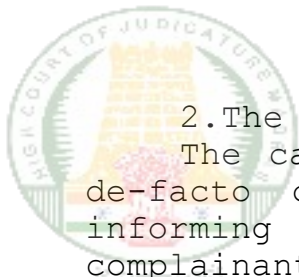
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence imposed on Petitioner/Apellant/Accused No.1 in Spl.SC.No.26 of 2018 on the file of the Court for the Learned Mahila Court, Pudukkottai dt.14.6.2022 and enlarge the Petitioner on bail till the disposal of the pending Appeal on the file of this Hon'ble Court.

Prayer in CRL A(MD) No.525 of 2022 :

To call for the records relating to the judgment passed in Spl.S.C.No.26/2018 on the file of the Court of the Learned Mahila Court, Pudukkottai dated on 14.06.2022 and set aside the same and acquit the Appellant / Accused No.1 from the charges leveled against the the petitioner.

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.AJU TAGORE P, Advocate for the petitioner and of MR.RMS.SETHURAMAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This petition is filed by the petitioner to suspend the sentence passed in Spl.S.C.No.26 of 2018, dated 14.06.2022, on the file of the Sessions Judge, Mahila Court, Pudukottai.



2.The case of prosecution in brief:

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, Pudukottai.

3.The earlier petition was dismissed by this Court on 28.09.2022, considering the gravity of the offence and also considering the fact that if the petitioner is enlarged on bail, by suspending the sentence, there is every likelihood of absconding and making trouble to the defacto complaint.

4.This is the second petition filed on the ground that the victim is in Singapore. Even though the passport of this petitioner has been surrendered before the concerned Court and there is no possibility of going abroad and making trouble to the victim. On that ground, the learned counsel for the petitioner prays to consider this suspension of sentence against the petitioner.

5.Since the Judgment is dated 14.07.2022, there is no possibility for the petitioner to go to Singapore and causing trouble to the victim. But the other factors also available against the petitioner. It is relevant to reproduce Paragraph No.9 of the said order hereunder:

"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."

6.On the side of petitioner, there is no answer for the above observation by this Court. As noted in the above said order, he created forged Diploma Certificate and submitted the same before the Singapore Immigration Check Point, for which, he was sentenced to undergo imprisonment for four weeks. From the above, the conduct of the petitioner shows that he is not entitled for suspension of sentence. Though there is no possibility for going abroad, there is every possibility for absconding.

7.In view of the above, I find no change in circumstances and this petition deserves to be dismissed.



8. Accordingly, this Criminal Miscellaneous Petition is dismissed.

sd/-
21/11/2022

/ TRUE COPY /

/11/2022

WEB COPY

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, PUDUKKOTTAI, PUDUKKOTTAI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.13638 of 2022
in
CRL A(MD) No.525 of 2022
Date :21/11/2022

PNM
RS/VR/SAR. (25.11.2022) 3P-5C