



Crl.M.P.No.73 of 2023 in Crl.A.No.7 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.M.P.No.73 of 2023

in

Crl.A.No.7 of 2023

Salman

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
All Women Police Station,
Perambalur,
Perambalur District.
(Crime No.5 of 2014)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) r/w of Cr.P.C. to suspend the sentence imposed by the learned Sessions Judge, Mahila Court, Perambalur District vide judgment dated 28.10.2022 in S.C.No.14 of 2014, and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.Swami Subramanian

For Respondent : Mr.C.E.Pratap,
Govt. Advocate (Crl.Side)



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ORDER

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The petitioner, who is the accused in S.C.No.14 of 2014 on the file of the learned Sessions Judge, Mahila Court, Perambalur District, seeks suspension of his sentence of imprisonment.

2. The Trial Court, by its judgment dated 28.10.2022, acquitted the accused from the charges under Sections 417, 294(b) and 506(i) IPC and convicted him for the offence punishable under Section 376(2)(n) IPC, and sentenced him as under:

Conviction under Section	Sentence
376(2)(n) IPC	Rigorous Imprisonment for 10 years with a fine of Rs.2,00,000/-, in default, to undergo Simple imprisonment for 2 years. Out of fine amount, a sum of Rs.1,75,000/- was ordered to be given as compensation to victim girl.

3. Challenging the conviction and sentence slapped by the Trial Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that there are arguable points in this Appeal. He further submitted that already the



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petitioner paid the fine amount and now, he is under custody and hence, prayed for suspension of sentence.

5. Heard the learned Government Advocate (Crl. side) appearing for the respondent and perused the impugned judgment and the materials on record.

6. Taking into consideration of the above submission of the learned counsels appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner 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***



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the learned Sessions Judge, Mahila Court, Perambalur District.

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioner shall appear before the Trial Court, as and when required.

05.01.2023

rpl

To

1. The Sessions Judge, Mahila Court, Perambalur District.
2. The Superintendent, Central Prison, Tiruchirapalli.
3. The Inspector of Police,
All Women Police Station,
Perambalur,
Perambalur District.
4. The Public Prosecutor, High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

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