



Crl.MP No.2200 of 2023 in
Crl.A.No.8 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2023

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.2200 of 2023

in

Crl.A.No.8 of 2023

Dr.Vetriselvan

... Petitioner

Vs.

State Rep. by the Inspector of Police,
W24, All Women Police Station,
Teynampet, Chennai.
(Cr.No.7/2021)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence awarded to the petitioner in judgment dated 30.12.2022 in S.C.No.178/2022 on the file of the Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai, pending disposal of the Criminal Appal.

For Petitioner : Mr.A.Ramesh, Senior Counsel
for Mr.R.Ashwin

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

ORDER



Crl.MP No.2200 of 2023 in
Crl.A.No.8 of 2023

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arguable points in the Criminal Appeal. He further submitted that, the victim refused to go for medical examination and also, during her statement recorded under 164 of Cr.P.C., she did not disclose anything about the offence committed by the petitioner/ accused. Therefore, without any medical evidence and statement by the victim about the occurrence, the Trial Court, has convicted the petitioner, only based on the oral evidence. He further submitted that, now, the petitioner is in judicial custody and hence, prayed for suspension of sentence.

5. The learned Government Advocate (Crl.Side) admitted that the victim has refused to go for medical examination, after the crime; and also she did not disclose anything about the crime, during her statement recorded under Sec.164 Cr.P.C. However, he opposed to grant suspension of sentence.

6. Heard the learned counsel for the petitioner and the learned



Crl.MP No.2200 of 2023 in
Crl.A.No.8 of 2023

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

7. Taking into consideration of the above submission of the learned counsel 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.

8. 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai 600 003..*



Crl.MP No.2200 of 2023 in
Crl.A.No.8 of 2023

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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.

14.02.2023
(1/2)

mst

To

1. The Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai-3.
2. The Superintendent, Central Prison, Puzhal.
3. The Public Prosecutor, High Court of Madras, Chennai.



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Crl.MP No.2200 of 2023 in
Crl.A.No.8 of 2023

V.SIVAGNANAM, J.,

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Crl.M.P.No.2200 of 2023

in

Crl.A.No.8 of 2023

14.02.2023

(1/2)