



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

Friday, the Third day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.386 of 2023
in
CRL A(MD)NO.525 of 2022

SOLAI GANESAN

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

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PUDUKKOTTAI, PUDUKKOTTAI DISTRICT.
IN CRIME NO.5/18.

... RESPONDENT/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/Petitioner/Appellant/Accused No.1 in Spl S.C No. 26 of 2018 on the file of the Court of the Learned the court of the Sessions Judge, Mahila Court, Pudukkottai dated on 14.06.2022 and enlarge the petitioner on bail till the disposal of the pending Appeal on the file of the Hon'ble Court.

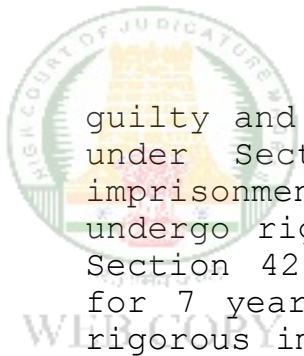
PRAYER IN CRL A(MD)No.525 of 2022:

To call for the records to the judgment passed in SPL.S.C.No.26 of 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 him.

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.B.NAMBISELVAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Sessions Judge, Mahila Court, Pudukkottai, dated 14.06.2022, in Special S.C.No.26 of 2018 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

2.The learned counsel for the petitioner submitted that the
<https://www.mca21.com.in/edis>, who is the first accused in this case, has been found



guilty and convicted by the learned Sessions judge, for the offence under Section 417 of IPC and sentenced to undergo rigorous imprisonment for 1 year and to pay fine of Rs.10,000/- in default to undergo rigorous imprisonment for 6 months, for the offence under Section 420 of IPC and sentenced to undergo rigorous imprisonment for 7 years and to pay fine of Rs.50,000/- in default to undergo rigorous imprisonment for 1 year, for the offence under Section 494 of IPC and sentenced to undergo rigorous imprisonment for 7 years and to pay fine of Rs.50,000/- in default to undergo rigorous imprisonment for 1 year, for the offence under Section 495 of IPC and sentenced to undergo rigorous imprisonment for 10 years and to pay fine of Rs.50,000/- in default to undergo rigorous imprisonment for 1 year, for the offence under Section 496 of IPC and sentenced to undergo rigorous imprisonment for 7 years and to pay fine of Rs.50,000/- in default to undergo rigorous imprisonment for 1 year, for the offence under Section 498(A)(b) of IPC and sentenced to undergo rigorous imprisonment for 3 years and to pay fine of Rs.50,000/- in default to undergo rigorous imprisonment for 1 year, for the offence under Section 506(i) of IPC and sentenced to undergo rigorous imprisonment for 2 years. The sentences were ordered to run consecutively. Set of under Section 428 Cr.P.C. was also ordered.

3.The case of the prosecution in brief:

The first accused and the defacto complainant were divorcees. The first accused without informing the above said divorce, living with the defacto complainant for some time. A2 to A5 received money from the defacto complainant on various occasions. They also demanded dowry, thereby, caused mental stress. The first accused also demanded Rs.5,00,000/- from the defacto complainant towards settlement of the maintenance to A1's first wife. When the defacto 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. S.C.No.26 of 2018 by the Mahila Court, Pudukottai. 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.At the conclusion of the trial, the trial Court came to the finding that the charge that was framed against the accused person was proved beyond all reasonable doubts. On that basis, the accused was found guilty and convicted and sentenced above. Challenging the above said conviction and sentence, appeal has been preferred by the petitioner. Pending appeal, the petitions seeking suspension of sentence have been filed and the same were dismissed.

5.This is the third application. The first application was dismissed by this Court, on 28.09.2022, on the ground that this



petitioner has created a forged Diploma Certificate and the strength of the same, he tried to go abroad. During the immigration check up, he was apprehended and was sentenced to undergo imprisonment for four weeks. It is also further observed that this petitioner not only cheated the defacto complainant, but also the victim girl, who was no way connected with the issue.

6. Considering the bad antecedents, the above said petition was dismissed. By stating that a wrong observation by this Court in the above said order, another petition was filed on Crl.M.P.(MD). No.13638 of 2022 and it was also came to be dismissed. So this is the third petition and the very same argument has been made.

7. I find absolutely no change of circumstances. Since serious allegation has been made against the petitioner, he is not entitled for suspension of sentence. The petitioner can argue the main appeal itself.

8. Accordingly, this criminal miscellaneous petition stands **dismissed**.

9. Registry is directed to prepare the typed set of papers and list the main appeal on **21.02.2023**.

sd/-
03/02/2023

/ TRUE COPY /

/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE MAHILA JUDGE, PUDUKKOTTAI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.
- 3 THE SUPERINTEINDENT
CENTRAL PRISON, TRICHY - 20.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.386 of 2023
in
CRL A(MD) NO.525 of 2022
Date : 03/02/2023

PKP/SBN/SAR-4/08.02.2023/3P/5C

<https://www.mhc.tn.gov.in/judis>