



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

Wednesday, the First day of March Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.158 of 2023
in
CRL A(MD)No.808 of 2022

ILAIYARAJA

... PETITIONER/APPELLANT

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CR NO.447/2016)

... RESPONDENT/RESPONDENT

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 and conviction imposed upon the petitioner by the Learned Fast Track Mahila court, Virudhunagar District @ Srivilliputhur in S.C No. 61 of 2017 dated 28.07.2022 pending disposal of the criminal appeal.

Prayer in Crl A(MD)No.808 OF 2022:

To call for the records pertaining to the impugned Judgment and Conviction passed by the Learned Fast Track Mahila Court, Virudhunagar District @ Srivilliputhur in S.C.No. 61 of 2017 dated 28.07.2022 and set aside the same.

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.MURUGAN R, 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, Fast Track Mahila Court, Virudhunagar @ Srivilliputhur, dated 28.07.2022 in S.C.No.61 of 2017 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.courtsofindia.org/> has been convicted by the learned trial judge, for the



alleged offence under Section 448 of IPC and sentenced to 1 year rigorous imprisonment and imposed fine of Rs.1,000/- in default, to undergo 3 months rigorous imprisonment, for the offence under Section 354(A) of IPC and sentenced to undergo 1 year rigorous imprisonment and imposed fine of Rs.1,000/- in default to undergo 3 months rigorous imprisonment, for the offence under Section 376 r/w 511 of IPC and sentenced to undergo 5 years rigorous imprisonment and imposed fine of Rs.2,000/- in default to undergo 6 months rigorous imprisonment and for the offence under Section 506(i) of IPC and sentenced to undergo 1 years rigorous imprisonment and fine of Rs.1,000/- in default to undergo 3 months rigorous imprisonment. The sentences were ordered to run concurrently. Set off under Section 428 Cr.P.C. is also ordered.

3.The case of the prosecution in brief:

The victim and the accused are neighbours. The husband of the victim is in abroad and she was living with her two children in her house. On 10.06.2016 without closing the doors, the victim was sleeping in her house. On 11.06.2016 at about 1.15 a.m. the accused trespassed into the house of the victim, with the intention to rope keeping his hand in her private parts, at that time, the victim raised noise and the neighbours gathered in the victim's house, immediately the accused ran away from that place. On the above said occurrence, a case was registered in Crime No.447 of 2016 and after completion of investigation, Final Report has been laid under Sections 506(i), 354(A), 376, 511 and 450 IPC and it was taken cognizance in S.C.No.61 of 2017 by the trial Court. To prove the case of the prosecution, 7 witnesses were examined as PW1 to PW7 and 5 documents marked as Ex.P1 to Ex.P5 before the trial Court.

4.At the conclusion of the trial, the trial Court found the accused guilty, convicted and sentenced him as stated above.

5.Challenging the above said conviction and sentence, the petitioner had filed the appeal before this Court and pending appeal he has filed a petition seeking suspension of sentence, that was dismissed by this Court.

6.Now this is the second application filed by the petitioner seeking suspension of sentence.

7.On earlier hearing the petitioner was directed to file undertaking affidavit that he will not make trouble to the victim in future. The learned Additional Public Prosecutor was also directed to get instructions with regard to the present status. The learned Additional Public Prosecutor has recorded a statement from the victim girl, wherein, she has stated that if the petitioner is released on bail by suspending the sentence, he may cause trouble to the victim and the neighbours and she opposed the grant of suspension of sentence to the petitioner.



8. Considering the submissions made on either side, the Court is inclined to grant suspension of sentence to the petitioner with certain conditions.

9. Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal 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) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar @ Srivilliputhur and on further condition that the petitioner shall appear before the said Court once in a week at 10.30 a.m. pending appeal. However, the petitioner shall stay away from the occurrence Village until further orders and shall not give any trouble to the victim.

sd/-
01/03/2023

/ TRUE COPY /

03/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM
TO

- 1 THE SESSIONS JUDGE
FAST TRACK MAHILA COURT,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 2 THE INSPECTOR OF POLICE
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.MURUGAN, Advocate (SR-3155[I] dated 02/03/2023)
ORDER
IN
CRL MP(MD) No.158 of 2023
in
CRL A(MD) No.808 of 2022
Date :01/03/2023