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Crl.M.P.No.9811 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.M.P.No.9811 of 2023

in

Crl.A.No.501 of 2023

Helilanraj

...Petitioner/Appellant

Vs.

State represented by
Inspector of Police,
All Women Police Station,
Ariyalur,
Ariyalur District (Cr.No.11/2022)

...Respondent/Complainant

Prayer :

Criminal Miscellaneous Petition filed under Section 389 (1) of Criminal Procedure Code praying to suspend the operation and execution of sentence imposed by the Learned Fast Track Mahila Court, Ariyalur order dated 02.03.2023 made in S.C.No.53/2022 till pending disposal of appeal and may pleased to enlarge the above petitioner/Appellant on bail.

For Appellant : M/s.R.Subramaniyan

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor



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ORDER

This miscellaneous petition is filed to suspend the sentence of imprisonment imposed by the Learned Fast Track Mahila Court, Ariyalur made in S.C.No.53/2022 vide order dated 02.03.2023 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

2. The Appellant was convicted for the offence under Section 6(1) of Protection of Children from Sexual Offences Act and sentenced to undergo twenty years of rigorous imprisonment and to pay a fine of Rs.1,00,000/-, in default to undergo two years of simple imprisonment; convicted under Section 451 of I.P.C and sentenced to undergo two years of Rigorous Imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for a period of two months vide order dated 02.03.2023 passed in S.C.No.53/2022 by the Learned Fast Track Mahila Court, Ariyalur. Aggrieved by the same, the present criminal appeal has been filed along with the petition seeking suspension of sentence.



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3. The learned counsel for the appellant would submit that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable however, without appreciating the materials in proper perspective, the Trial Court has convicted and sentenced the appellant and if the sentence is not suspended grave prejudice will be caused and there are arguable points and the appellant stands a better chance of acquittal. Therefore, he prays for grant of suspension of sentence.

4. On the above contention, this Court heard the submissions of the learned Additional Public Prosecutor.

5. The appellant has been convicted for the offences under Sections 6(1) of Protection of Children from Sexual Offences Act and Section 451 of I.P.C. In this regard, this Court had perused Statements recorded under Section 164 of Cr.P.C which reveals that the offences alleged against the appellant are very grave in nature. Though it is the contention of the appellant that there are contractions in the evidence and therefore, sentence



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be suspended but, the same can be appreciated only during the hearing of the appeal and all contractions cannot be a ground for grant of suspension of sentence. Therefore, having regard to the gravity of offences committed by the appellant, this Court is not inclined to grant suspension of sentence as prayed for in this petition.

6. Accordingly, the Criminal Miscellaneous Petition stands dismissed.

26.04.2024

NHS

Index : Yes/No
Speaking Order : Yes/No
NCC : Yes/No



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To

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1. The Learned Fast Track Mahila Court,
Ariyalur
2. The Inspector of Police,
All Women Police Station,
Ariyalur,
3. The Central Prison,
Trichy.
4. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

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