



Crl.M.P.No.13116 of 2024 in Crl.A.No.1180 of 2024

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SUNDER MOHAN, J.

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking to suspend the sentence imposed on the petitioner/accused in S.C.No.254 of 2016 dated 27.09.2022 by the learned District and Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Villupuram and enlarge the petitioner on bail pending disposal of the above appeal.

2.It is the case of the prosecution that the victim and the appellant had a love affair; that on the promise of marriage, the appellant had sexual intercourse with the victim and that when the victim became pregnant, she wanted the appellant to get married to her, the appellant refused and also abused her in filthy language. The Trial Court found that the offence under Section 376 IPC was not made out and acquitted the appellant for the said offence.

3.The petitioner was convicted by the trial Court and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.50,000/-, in default, to undergo one month simple imprisonment for the offence under



Section 417 IPC.

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4.The learned counsel for the petitioner would submit that the petitioner had never deceived the respondent; that there are arguable points in the above appeal; that though the appeal was filed in time, the papers were misplaced in the office of the appellant's counsel and therefore, the appeal could not be numbered immediately and that initially, the Trial Court had suspended the sentence for a period of one month.

5.Heard Dr.C.E.Pratap, learned Government Advocate (Crl. Side) appearing on behalf of the respondent.

6.Considering the submissions made by the learned counsel for the petitioner that there are arguable points in the above appeal and that the sentence imposed on the petitioner is one year and the appeal is not likely to be taken in near future, this Court is inclined to suspend the sentence imposed on the petitioner on the following conditions till the disposal of the criminal appeal.

(i)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 the learned District and Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Villupuram;

(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 and mobile numbers to ensure their identity;

(iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court; and

6. In the result, the criminal miscellaneous petition is ordered.

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