



Crl.M.P.No.18512 of 2023
in Crl.A.No.1324 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2024

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.No.18512 of 2023
in
Crl.A.No.1324 of 2023

Ramu

... Petitioner

Vs.

State rep. by
Inspector of Police,
All Women Police Station,
Thirukovilur,
Villupuram District.
Crime No.24 of 2017.

... Respondent

Prayer : Criminal Miscellaneous Petition filed under Sections 389(2) and 439 of Criminal Procedure Code, praying to suspend the sentence passed in S.C.No.44 of 2020 dated 20.10.2023 on the file of the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Villupuram and enlarge the petitioner on bail pending disposal on the above criminal appeal.

For Petitioner : Mr.S.N.Arunkumar

For Respondents : Mrs.G.V.Kasthuri



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Additional Public Prosecutor
ORDER

This miscellaneous petition is filed to suspend the sentence passed in S.C.No.44 of 2020 dated 20.10.2023 on the file of the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Villupuram and to enlarge the petitioner on bail pending disposal on the above criminal appeal.

2. Petitioner was convicted for the offence under Section 417 of I.P.C. and was sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one month simple imprisonment and further convicted for the offence punishable under Section 376 of IPC and was sentenced to undergo ten years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default to undergo three months simple imprisonment vide order dated 20.10.2023 in S.C.No.44 of 2020. Aggrieved by the same, the petitioner preferred an appeal along with this petition seeking suspension of sentence.

3. Learned counsel for the petitioner submitted that, the petitioner



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and the victim girl loved each other and subsequently, the victim girl got married to another person. He further submitted that, there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable and petitioner is now confined in Central Prison, Cuddalore for more than nine months. He further submits that the petitioner is ready to abide any condition imposed by this Court. Accordingly, he prayed for appropriate orders.

4. Heard the submissions of the learned Additional Public Prosecutor appearing for the respondent.

5. It is reported that the petitioner and the victim girl loved each other and having regard to the fact that there are arguable points involved in the criminal appeal. Further, the appeal is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is



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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.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Villupuram and on further condition that the petitioner shall appear before the trial Court at 10.30 a.m. on the first working day of every English Calendar month, pending appeal.

8. This criminal miscellaneous petition is ordered accordingly. Post the main appeal as per seriatum.

10.07.2024

Index: Yes/No
Speaking Order / Non-speaking order
NCC: Yes/No
rap

To

1. The Sessions Judge,



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Magalir Neethi Mandram
(Fast Track Mahila Court), Villupuram

2. Central Prison, Cuddalore.

3. The Inspector of Police,
All Women Police Station,
Thirukovilur,
Villupuram District.

4. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

M.DHANDAPANI,J.



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