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Crl.M.P.No.17200 of 2024
in
Crl.A.No.1515 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 4/12/2024

C O R A M

THE HONOURABLE Mr.JUSTICE SUNDER MOHAN

Crl.M.P.No.17200 of 2024

in

Crl.A.No.1515 of 2024

Pandiyan @ Tilak Kumar ... Appellant

Vs

State
rep. By The Inspector of Police
Kottakuppam All Women Police Station
Villupuram District. ... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 (2) of BNSS 2023, to suspend the sentence imposed on the petitioner in S.C.No.103 of 2015 on the file of the learned District Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Villupuram District by its judgment dated 8/11/2024 and enlarge the petitioner on bail.



WEB COPY



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For Petitioner : Mr.M.Mathan Raj
For Respondent : Dr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner in S.C.No.103 of 2015 on the file of the learned District Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Villupuram District by its judgment dated 8/11/2024 and enlarge the petitioner on bail.

2. The case of the prosecution is that on 11/1/2014 at about 7 p.m., when the victim girl who is deaf and dumb went to a shop, the petitioner had committed rape on the victim girl, by administering medicine to make her unconscious. The trial Court, after considering the evidence on record found that offence under Sections 342 and 376 of the Indian Penal Code were not made out and convicted the petitioner under Section 354 of the Indian Penal Code and punished him to undergo one year rigorous imprisonment and to pay a fine of Rs.10,000/- in default of payment of fine to undergo three months simple imprisonment.



Crl.M.P.No.17200 of 2024
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Crl.A.No.1515 of 2024

WEB COPY

3. The learned counsel appearing for the petitioner would submit that there are substantial grounds in the above appeal which requires consideration and the sentence of imprisonment was suspended by the trial Court till 9/12/2024 and prayed for suspension of sentence.

4. Heard Mr.C.E.Pratap, Government Advocate (Criminal Side) for the respondent.

5. Considering the fact that the sentence of imprisonment was suspended by the trial Court, that there are arguable points in the appeal; that the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence.

6. Accordingly, this Criminal Miscellaneous Petition stands allowed and the sentence imposed on the petitioner, is suspended till the disposal of the Criminal Appeal and he is ordered to be released on bail on the following conditions:



Crl.M.P.No.17200 of 2024
in
Crl.A.No.1515 of 2024

WEB COPY

(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 Judicial Magistrate, Additional 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 further orders 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.

4/12/2024

mvs.

Index: Yes/No

Neutral Citation: Yes/No



Crl.M.P.No.17200 of 2024
in
Crl.A.No.1515 of 2024

WEB COPY To

1. The District Sessions Judge, Magalir Neethi Mandram,
(Fast Track Mahila Court), Villupuram District
2. The Inspector of Police
Kottakuppam All Women Police Station
Villupuram District.
3. The Public Prosecutor,
Madras High Court.

SUNDER MOHAN, J



WEB COPY



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