



CRL MP(MD) No.707 of 2024

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

Wednesday, the Thirty First day of July Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
and
The Hon`ble Mr.Justice K. RAJASEKAR

CRL MP(MD) No.707 of 2024
in
CRL A(MD) No.263 of 2023

JANAGIRAMAN @ JANA

... Petitioner / Appellant

Vs

THE INSPECTOR OF POLICE
KEERANUR ALL WOMEN POLICE STATION,
KEERANUR,
(CRIME NO.16 OF 2021.)

... Respondent / Respondent

Criminal Miscellaneous 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 imposed by the Mahila Court, Pudukkottai by its judgment dt.23.12.2022 in S.C.No.3 of 2022 and enlarge the petitioner on bail, till the disposal of Criminal Appeal in Crl.A.(MD).No.263 of 2023.

Prayer in CRL A(MD) No.263 of 2023:

To call r the records and to set aside the conviction and sentence imposed by judgment dated 23.12.2022 in SC No.3 of 2022 on the file of Mahila Court, Pudukkottai by allowing this appeal.

Order : This criminal miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments



CRL MP(MD) No.707 of 2024

of M/s.ARUL JENIFER, Advocate for M/S. KBS LAW OFFICE, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the Court made the following order:-

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The present petition is filed by the appellant/sole accused seeking to suspend the sentence imposed on him by the Mahila Court, Pudukkottai in S.C.No.3 of 2022 dated 23.12.2022.

2. The petitioner/accused is convicted and sentenced by the Trial Court as follows:

Section of law	Sentence of Imprisonment	Fine amount
294(b) IPC	3 months rigorous imprisonment	Rs.10,000/- in default to undergo further period of 1 month rigorous imprisonment
417 IPC	1 year rigorous imprisonment	Rs.50,000/- in default to undergo 6 months rigorous imprisonment
506(i) IPC	2 years rigorous imprisonment	Rs.20,000/- in default to undergo 6 months rigorous imprisonment
376(1) IPC	Life imprisonment	Rs.2,00,000/- in default to undergo 1 year rigorous imprisonment

Sentences were ordered to run concurrently and the period of incarceration already undergone by the accused was ordered to be set off under Section 428 Cr.P.C.



CRL MP(MD) No.707 of 2024

WEB COPY

3. The case of the prosecution is that P.W.1 is the victim girl, aged 20 years, who is residing with her parents in Anthonyar Koil Street, Illuppur Taluk, Pudukkottai District and the accused Jana @ Janakiraman, aged 24 years, is residing in Jeevanagar, Vilapatti, Iluppur Taluk, Pudukkottai District. The victim was studying in a College in Tenkasi and due to corona, she had come to her Village and had been living with her parents. At that time, the accused, who is the brother of her school friend Valli, had got acquainted with the victim and he told her that he was in love with her. When the victim had told him that she belongs to Christian Community and whether they would accept their relationship in his house, the accused had told that he would marry only her and by using sweat coated words, had moved closely with her. From August to October 2020, the accused often used to call the victim alone and take her in his splendor plus two wheeler to a field in Thirunadu Road, Ennai maganam Road and on the false promise of marriage, he had compelled her and had sexual intercourse with her. Thereafter, in the month of January, the victim, on coming to know that she was pregnant, had informed the same to the accused, for which, he scolded her and had switched off his mobile and inspite of the victim girl attempting to call the accused through phone, the accused had deliberately avoided her. While so, on 19th July 2021, the victim got admitted in SRM hospital, Chengalpattu and had delivered a boy child. Thereafter, the victim



CRL MP(MD) No.707 of 2024

WEB COPY

came to the Village along with her child and 3 days prior to the lodging of the complaint, she had gone to the house of the accused along with her parents at 11.00 am and asked the accused to marry her, for which, the accused had refused to marry her and had abused her in filthy language and threatened her with dire consequences. The accused having refused to marry the victim and having refused to take the child, had made arrangements to marry his sister's daughter. The accused had wantonly with criminal intention had moved closely with the victim and had sexually assaulted her, resulting in the victim becoming pregnant and delivering a child and he had refused to marry her. Hence, a final report was filed against the accused for the offences under Section 294(b), 376(i), 417 and 506(i) IPC.

4. The learned counsel for the petitioner/accused would submit that it is a case where the consensual affair has been falsely projected as a case of rape. Further, complaint has been given by the victim only after the birth of the child and till such time, no complaint has been given against the petitioner. Without prejudice to the rights of the petitioner, the learned counsel would submit that even accepting the allegations in the final report, it would only amount to a case of false promise of marriage and cheating and it is not a case of rape. He would further submit that the petitioner does not have any bad antecedents and he was on bail during trial and he has not misused the liberty granted to him. The learned counsel would also submit



CRL MP(MD) No.707 of 2024

that there are other arguable points in this appeal and the petitioner is in custody for the past 1 ½ years from December 2022 and hence, he seeks for indulgence of this Court.

5. The respondent has filed a counter.

6. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner on the false promise of marriage had sexual intercourse with the victim against her will, resulting in the victim becoming pregnant and delivering a child. The Trial Court had rightly appreciated the evidence placed on record and convicted the accused. Hence, he would object for grant of suspension of sentence.

7. Heard the learned counsels on both sides and perused the materials available on record.

8. Having gone through the records, we find that it is a fit case for grant of suspension of sentence. Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the period of incarceration and also taking into consideration the facts and circumstances of the case, we are inclined to suspend the sentence imposed on the petitioner by the Trial Court pending the Appeal.



CRL MP(MD) No.707 of 2024

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9. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner/accused is suspended, subject to the following conditions:

i. The petitioner/accused is directed to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only), with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the Mahila Court, Pudukkottai.

ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Committal Court may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.

iii. The petitioner/accused shall stay at Tiruppur and report before the Inspector of Police, Tiruppur Town Police Station daily at 10.30 a.m. until further orders.

sd/-
31/07/2024

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02/08/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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CRL MP(MD) No.707 of 2024

To

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1.The Sessions Judge,
Mahila Court, Pudukkottai.

2.The Inspector of Police,
Keeranur All Women Police Station,
Keeranur.

3.The Superintendent,
Central Prison, Trichy.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Inspector of Police,
Tiruppur Town Police Station,
Tiruppur.

+1 CC to M/s.M/S.KBS LAW OFFICE, Advocate (SR-9140[I] dated 31/07/2024)

ORDER

IN

CRL MP(MD) No.707 of 2024

in

CRL A(MD) No.263 of 2023

Date :31/07/2024

ED/ /SAR- (02/08/2024) 7P / 7 C

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