



CRL MP(MD) No.4464 of 2024

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

Wednesday, the Twenty Fourth 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.4464 of 2024
in
CRL A(MD)No.337 of 2024

MUTHURAJA

... PETITIONER/APPELLANT

Vs

THE INSPECTOR OF POLICE
ARUPPUKOTTAI TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.1/2021)

... 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 Learned Fast Track Mahila Court, Virudhunagar at Srivilliputhur in SC No.24/2022 dated 15/3/2024 and enlarge the Appellant on bail pending disposal of the above said Criminal Appeal.

PRAYER in CRL A(MD)No.337 of 2024:

To call for the records relating to the impugned judgment made by the Learned Fast Track Mahila Court, Virudhunagar at Srivilliputhur in S.C.No.24 of 2022 dated 15.03.2024 and set aside the same in so far as the appellant is concerned and acquit the Appellant from the charges leveled against him.



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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 of Mr.M.JEGADEESH PANDIAN, Advocate for M/S.PRITHIVIRAJ P R, Advocate for the petitioner and of Mr.R.MEENAKSHI SUNDARAM, 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.]

Seeking to suspend the sentence imposed on the petitioner by the learned Fast Track Mahila Court, Virudhunagar at Srivilliputhur, *vide* Judgment dated 15.03.2024 in S.C.No.24 of 2022, he has filed this criminal miscellaneous petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
306 I.P.C.	To undergo 10 year Rigorous Imprisonment	Rs.25,000/- in default to suffer two years rigorous imprisonment

3. The case of the prosecution is that the accused with an intention to have sexual intercourse developed relationship with the daughter of the defacto complainant



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through Instagram. Under the said circumstances, on 01.01.2021, the Accused No.1 had sexual intercourse with the above said Rubini by threatening her that he would expose the obscene private photographs which were taken with her. Coming to know of the same, accused No.2 also threatened the victim to have sexual intercourse with him. Further, the accused No.1 taken away the cell phone of the victim and ran away from the occurrence spot. Subsequently, the said victim committed suicide by writing a suicide note. Hence the charge.

4. Learned Counsel appearing for the petitioner would submit that as far as the petitioner/A2 is concerned, charges against him is only for having abetted the victim to commit suicide. Only A1 has been charged for the offence under Section 376 and 306 of IPC and he has been convicted for life and the petitioner has been convicted only for offence under Section 306 of IPC for 10 years rigorous imprisonment. He would further submit that even taking into consideration the evidence of witnesses, there is absolutely no material to show that the petitioner has abetted the victim to commit suicide. Further, there are several arguable points in favour of the petitioner and the likelihood of the appeal being taken up for final hearing in the near future is also not possible and therefore, he prayed for suspension of sentence.

5. The respondent – Police has filed a detailed counter affidavit.



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6. Learned Additional Public Prosecutor appearing for the respondent – Police, on instructions, would submit that the trial Court, after considering the evidence of witnesses based on the factual matrix and the settled principles of law, has rightly convicted the accused.

8. Heard the learned counsel on either side and perused the materials available on record.

9. Having gone through the records and taking into consideration the facts and circumstances of the case we find that the major charges are attributed to A1 along, who has committed rape under threat and had abetted the victim to commit suicide and the only charge against the petitioner is that he has abetted the victim to commit suicide and he has been convicted only for 10 years, we are of the opinion that it is a fit case for grant of suspension of sentence to the petitioner/ A2.

10. Accordingly, this criminal miscellaneous petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner herein is suspended, subject to the following conditions:

i. The petitioner 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 learned Judicial Magistrate, Aruppukottai.



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ii. 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 passbook to ensure their identity.

iii. The petitioner shall report before the Judicial Magistrate, Aruppukottai on the first working day of every month at 10.30 a.m., until further orders.

sd/-
24/07/2024

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29/07/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

AM

TO

- 1 THE FAST TRACK MAHILA JUDGE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR
- 2 THE JUDICIAL MAGISTRATE
ARUPPUKOTTAI.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 4 THE INSPECTOR OF POLICE
ARUPPUKOTTAI TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.



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6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.R.PRITHIVIRAJ, Advocate (SR-8466[I] dated 24/07/2024)

ORDER
IN
CRL MP(MD) No.4464 of 2024
in
CRL A(MD)No.337 of 2024
Date :24/07/2024

SS/SAR- /29/07/2024/6P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023