



CRL MP(MD) No.9472 of 2024

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

Wednesday, the Twenty Fifth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.9472 of 2024

in

CRL A(MD)No.736 of 2024

MANIMARAN

... PETITIONER/ APPELLANT

Vs

THE STATE OF TAMIL NADU
REP BY THE DEPUTY SUPERINTENDENT OF POLICE,
RAJAPALAYAM SUB DIVISION,
RAJAPALAYAM ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO. 11/2018

... 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 passed under the judgment and conviction and sentence dated 09.07.2024 in Spl S.C no. 54 of 2018 on the file of the learned Sessions Judge, Special court for Exclusive trial of SC/ST (POA) Act cases, Virudhunagar District at Srivilliputtur, in so far as convicting the appellant for offences under section 417 of Indian Penal Code and sentencing him to undergo one year rigorous imprisonment and Rs.5,000/- as fine in default to undergo one Month simple imprisonment, pending disposal of the above Criminal Appeal.

PRAYER in CRL A(MD)No.736 of 2024:

To call for records and to set aside the Judgment and Conviction and sentence dated 09.07.2024 in Spl.S.C.No.54 of 2018 on the file of the Learned Session Judge,



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Special Court for Exclusive Trial of SC/ST(POA) Act Cases, Virudhunagar District at Srivilliputtur, in so far as convicting the appellant for offences under section 417 of Indian Penal Code and sentencing him to undergo one year rigorous imprisonment and Rs.5,000/- as fine in default to undergo one Month simple imprisonment.

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 M/S.SUSI KUMAR.C, Advocate for the petitioner and of Mr.M.SAKTHI KUMAR, Government Advocate(Crl.side)on behalf of the Respondent, the Court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed against the petitioner in Spl.S.C.No.54 of 2018, dated 09/07/2024 passed by the Sessions Judge, Special Court for Exclusive Trial of SC/ST (POA) Act cases, Virudhunagar District @ Srivilliputhur and enlarge him on bail pending disposal of the Criminal Appeal.

2.The case of the prosecution is that the de-facto complaint lodged a complaint stating that she belongs to SC community and residing with her parents at Mugavur Village. The accused is also residing in the same village and running a petticoat shop, in which she was working as tailor. It is further stated that the accused on the false promise of marriage developed relation with her. In pursuance of which, on 12/09/2017, the accused had sexual intercourse. Thereafter, it continued for sometime. Due to it, the de-facto complainant became pregnant. When



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that was informed to the accused, he assured her that he will take care of her and the child. In the meantime, the accused married another woman in the month of October 2017. On enquiry with the accused, he assured to take of the de-facto complainant and her child. But later, he refused to marry her. Upon the above said occurrence, a case in Crime No.11 of 2018 was registered for the offences under sections 417, 420, 376 IPC and section 3(1)(s), 3(1)(w)(i), 3 (2)(va) of SC/ST (POA) Act. After completion of investigation, final report was filed before the Sessions Judge, Special Court for trial of SC/ST(POA) Act cases, Virudhunagar District @ Srivilliputhur and the same was taken on file in Spl.SC No.54 of 2018.

3.Before the trial Court, on the side of the prosecution, 27 witnesses were examined and 20 documents were marked. On the side of the accused, no oral and documentary evidence was adduced.

4.The learned Trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments on both the sides, has passed the impugned judgment, dated 09/07/2024 convicting the petitioner for the offence under Section 417 of IPC and sentenced him to undergo rigorous imprisonment for a period of 1 year and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for a period of one months.

5.Challenging the above said conviction and sentence, the petitioner preferred



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the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

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6.The learned counsel for the petitioner would submit that the petitioner paid the entire fine amount and the sentence of imprisonment passed against the petitioner has been suspended by the trial Court on 09/07/2024 for a period of 30 days and subsequently, it was extended till 09/09/2024 and thereafter, it was also extended by this court till the disposal of the main appeal; and there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses and he prays to allow this petition.

7.The learned Government Advocate (Criminal side) appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

8.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

9.The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the



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petitioner herein is entitled to the relief of grant of suspension of sentence.

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10. Accordingly, this petition is **allowed** and the substantive sentence of imprisonment alone is suspended till the disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that he shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Sessions Judge, Special Court for Exclusive Trial of SC/ST (POA) Act cases, Virudhunagar District @ Srivilliputhur and on further condition that the petitioner shall appear before the said Court on the first working day of every week at 10.30 am until further orders.

sd/-

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/09/2024

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

ER
TO

- 1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF
SC/ST (POA) ACT CASES,
VIRUDHUNAGAR DISTRICT.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
RAJAPALAYAM SUB DIVISION,
RAJAPALAYAM ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT.



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

+1 CC to M/s.C.SUSIKUMAR, Advocate (SR-11852[I] dated 27/09/2024)

ORDER
IN
CRL MP(MD) No.9472 of 2024
in
CRL A(MD)No.736 of 2024
Date :25/09/2024

SS/JGB/SAR- /27/09/2024/6P/5C

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