



Crl.MP(MD)No.8721 of 2024 in Crl.A(MD)No.696 of 2024

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G.ILANGOVAN, J

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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the Sessions Judge, Fast Track Mahila Court, Dindigul, in Special Sessions Case No.24 of 2023, dated 19/07/2023 and enlarge the petitioner/A2 on bail, pending disposal of the above said Criminal Appeal.

2.The case of the prosecution brief:-

The de-facto complainant lodged a complaint stating that his own daughter after completing the study was going for job along with him in the Vadasandur Velaudasamy Mill. At that time, one Prakash used to take them by Van to the Mill. On 29/07/2019, all were returning to the house after finishing the work. The Van was driven by Devanathan the petitioner herein. At that time, Prakash was also present in the Van. The Van was halt in front of the house of the de-facto complainant. But Prakash prevented his daughter namely the victim girl from getting down from the Van dropping the de-facto complainant and others. They kidnaped the victim girl. Later came to know that Prakash kidnapped the victim girl on the false promise of marriage. Upon the occurrence, a case in Crime No.355 of 2019 was registered by the respondent police for the offence under sections 366 (A) .



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3.After completion of the investigation, the respondent police filed a final report against A1 under section 363 IPC and 9 Section Child Marriage Act, 2006 and section 6 of POCSO Act, 2012 and against A2 under section 366(A) IPC and the same has been taken cognizance in Special SC No.24 of 2023 by the Sessions Judge, Fast Track Mahila Court, Dindigul.

4.On the side of the prosecution, 10 witnesses were examined and 24 documents were marked. Apart from that, 7 material objects were marked. On the side of the accused, no oral and documentary evidence was adduced.

5.At the conclusion of the trial process, the trial court found the the accused guilty of the offences and A1 was sentenced to undergo 3 years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo 3 months SI for the offence under section 363 IPC; and sentenced to undergo 10 years RI and to pay a fine of Rs.5,000/- in default to undergo 6 months SI for the offence under section 6 of POCSO Act. Similarly, A2 was convicted and sentenced to undergo 5 years RI and to pay a fine of Rs.2,000/-, in default to undergo 6 months SI for the offence under section 366(A) IPC.



6.Challenging the conviction and sentence, this appeal is preferred by the appellants/A1 and A2. Pending appeal, this criminal miscellaneous petition was taken out by the petitioner/A2 seeking suspension of sentence.

7.Heard both sides.

8.The learned counsel appearing for the petitioner would submit that except the alleged kidnapping by A1 in the occurrence with the help of the petitioner, no other specific overt-act is attributed against this petitioner.

9.The learned Government Advocate (Criminal side) would submit that this petitioner helped A1 namely Prakash in kidnapping the victim girl. So, he is not entitled for any indulgence.

10.But perusal of the entire records shows that except helping A1 in kidnapping the victim girl, no other specific overtact is attributed against the petitioner.

11.Considering the above said facts and circumstances of the case and the period of incarceration and no bad antecedent is reported against the petitioner and also considering the fact that there are arguable points involved in this criminal appeal and further the



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criminal appeal is not likely to be taken up for final hearing in the near future, this criminal miscellaneous petition is **allowed** and the substantive sentence of imprisonment alone is suspended 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, Fast Track Mahila Court, Dindigul and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 am until further orders.

13/09/2024

Index : Yes/No
Internet: Yes/No

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To,

- 1.The Sessions Judge,
Fast Track Mahila Court,
Dindigul.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 3.The Inspector of Police,
Shanarapatti Police Station,
Dindigul.
- 4.The Superintendent,
Central Prison, Madurai.



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