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*Crl.M.P.No.2892 of 2025
in Crl.A.No.195 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.2892 of 2025 in
Crl.A.No. 195 of 2025

Guberan

...Petitioner

Vs.

1. State rep by
The Deputy Superintendent of Police,
Gingee Sub Division,
Villupuram District

2. The Inspector of Police,
Gingee Police Station,
Villupuram District

... Respondents

PRAYER: Criminal Miscellaneous Petition filed under Section 430 (1) of Bharathiya Nagarik Suraksha Sanhita, 2023 to suspend the sentence of imprisonment imposed upon the petitioner/appellant in Spl.S.C.No.52 of 2018 on the file of learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under the SC/ST (Prevention of Atrocities)Act, 1989, Villupuram by its Judgment dated 31.01.2025 and enlarge the petitioner on bail, pending disposal of Criminal appeal.

For Petitioner : Mr.R.Karthikeyan for
Mr.J.Ramesh
For Respondents : Mr.S.Raja Kumar
Additional Public Prosecutor



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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases registered under the SC/ST (Prevention of Atrocities) Act, 1989, Villupuram in Spl.S.C.No.52 of 2018 dated 31.01.2025 and enlarge the petitioner on bail, pending disposal of Criminal appeal.

2. The petitioner herein is the accused in Spl.S.C.No.52 of 2018 on the file of the learned Sessions Judge Special Court for Exclusive Trial of Cases registered under the SC/ST (Prevention of Atrocities) Act, 1989, Villupuram dated 31.01.2025. The petitioner was found guilty for the offences under Sections 376(2)(I), 376(2)(m) and 376(D) of IPC and convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 376(2)(I) IPC	to undergo rigorous imprisonment for a period of ten years and to pay fine of Rs.10,000/-, in default to undergo rigorous imprisonment for two years.
2	Section 376(2)(m) IPC	to undergo rigorous imprisonment for a period of ten years and to pay fine of Rs.10,000/-, in default to undergo rigorous imprisonment for two years.
3	Section 376(D) IPC	to undergo rigorous imprisonment for a period of twenty years and to pay fine of Rs.1,00,000/-, in default to undergo rigorous imprisonment for five years.

Aggrieved by the same, the petitioner has filed this appeal along with the



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present miscellaneous petition.

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3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Appeal and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioner/accused may be suspended. Further, it is his specific submission that the petitioner is ready to abide the condition imposed by this Court.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard the learned counsel appearing on either side and also perused the materials placed on record.

6. Considering the facts and circumstances of the case and



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taking note of the fact that the petitioner has committed severe heinous crime as against the injured, who is a mentally challenged person and coupled with the fact that the petitioner has failed to make out a prima facie case to suspend the sentence of imprisonment imposed on him, this Court is not inclined to allow the present petition.

Accordingly, the present Criminal Miscellaneous Petition is dismissed.

20.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases registered under the SC/ST
(Prevention of Atrocities) Act, 1989, Villupuram
2. The Sessions Judge (Fast Track Mahila Court)
Krishnagiri
3. State rep by
The Deputy Superintendent of Police,
Gingee Sub Division, Villupuram District
4. The Inspector of Police,
Gingee Police Station, Villupuram District
5. The Public Prosecutor,
Madras High Court, Chennai.



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G.K.ILANTHIRAIYAN, J.

ssd

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