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Crl.M.P.No.3467 of 2025 in Crl.A.No.214 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2025

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.M.P.No.3467 of 2025
in Crl.A.No.214 of 2025

K.Anbarasan

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
W 21, Guindy All Women Police Station,
Chennai – 600 032.
(Crime No.21/2021).

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of BNSS,
to suspend the sentence imposed in S.C.No.468/2023 dated 30-01-2025 on the
file of the Sessions Court, Mahalir Neethimandram, Allikulam, Chennai and to
enlarge the petitioner on bail pending disposal of Crl.A.

For Petitioner : Ms.L.Srileka

For Respondent : Ms.G.V.Kasthuri,
Additional Public Prosecutor



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ORDER

This criminal miscellaneous petition has been filed to suspend the sentence of imprisonment imposed by the learned Sessions Judge, Mahalir Neethimandram, Chennai in S.C.No.468 of 2023, dated 30.01.2025.

2.The conviction and sentence imposed on the petitioner in S.C.No.468 of 2023 is as follows:

- For offence under Section 417 IPC, the petitioner is sentenced to undergo one year Rigorous Imprisonment and to pay a fine of Rs.10,000/-, in default to undergo Simple Imprisonment for two months.
- For offence under Section 506(i) IPC, the petitioner is sentenced to undergo one year Rigorous Imprisonment and to pay a fine of Rs.10,000/-, in default to undergo Simple Imprisonment for two months.

3.The learned counsel for the petitioner submitted that the petitioner is a victim who was harassed by the defacto complainant/PW1. The petitioner and the defacto complainant came into acquaintance while the defacto complainant was working in Spencer Departmental Store, Velacherry. The petitioner used to supply fruits and vegetables to the said departmental store and he made love



proposal to her. Initially, the proposal was refused by the defacto complainant and later she agreed for the same. During this relationship, the defacto complainant saw the picture of the petitioner's erstwhile lover in petitioner's mobile and the petitioner disclosed about his erstwhile lover to the defacto complainant. Using the same, the defacto complainant used to harass the petitioner and later the petitioner agreed to marry the defacto complainant. Despite the same, the only intention of the defacto complainant is that she wanted to harass the petitioner. On one occasion, when the petitioner was in State of Andhra Pradesh, he was unable to respond the defacto complainant's call and come back to Chennai immediately. At that time, the defacto complainant proclaimed how to bring him immediately. Saying so, she consumed rat poison. On coming to know about the same, the petitioner rushed back to Chennai. Later, it was the defacto complainant who refused to marry the petitioner but the case projected as though the petitioner cheated the defacto complainant and made false promise of marriage. The medical evidence confirms that the petitioner had no physical relationship with the petitioner. In view of the same, the petitioner was acquitted from the major charges under Sections 376 and 306 IPC. When the trial Court disbelieved the evidence of the prosecutrix with regard to major offences, the same benefit



ought to have given to the petitioner for the other offences but strangely the petitioner was convicted.

4.The learned Additional Public Prosecutor appearing for the respondent Police on the other hand submitted that the defacto complainant was working in Spencer Departmental Store at Velacherry and the petitioner was supplying fruits and vegetables to the said store. Later, the petitioner got acquainted with the defacto complainant, obtained her mobile number and proposed his love. Initially, the defacto complainant not responded for two months, thereafter the petitioner informed about the defacto complainant to his mother and the love proposal was accepted. The petitioner along with his brother had gone to the defacto complainant's house during the year 2017 and agreed to have a marriage. In the meanwhile, the defacto complainant came to know about the petitioner's earlier love and she questioned the same. The petitioner was unable to give proper answer and he was started avoiding the defacto complainant. In between, there was COVID-19 and thereafter again the defacto complainant called the petitioner to marry her but he failed to do so. Hence, on the complaint (Ex.P2), and FIR (Ex.P15) registered, 164 Cr.P.C statement of the defacto complainant (Ex.P4) recorded. Before the Trial

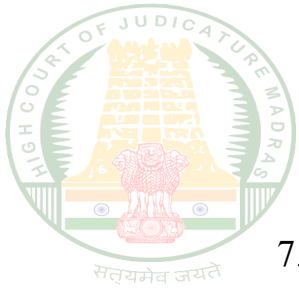


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Court, PW1 to PW12 examined and Exs.P1 to P16 marked and MO1 produced. On the side of the defence, Exs.D1 to D5 marked. The Trial Court on the evidence and materials produced had rightly convicted the petitioner as stated above. She fairly submitted that the Trial Court suspended the sentence of the petitioner till today.

5.Finding that there are arguable points in the appeal and the Trial Court had already suspended the sentence of the petitioner till today and the appeal is a statutory one, this Court is inclined to grant suspension of sentence till the disposal of the present criminal appeal.

6.Accordingly, the Substantive Sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the appeal and he is ordered to be enlarged on bail, on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the trial Court.



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7.Further, the petitioner shall appear before the Trial Court at 10.30 a.m., once in three months commencing from the month of March, 2025 till the disposal of the criminal appeal. Accordingly, this Miscellaneous Petition is ordered.

27.02.2025

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To

- 1.The Sessions Judge,
Mahalir Neethimandram, Chennai.
- 2.The Inspector of Police,
W 21, Guindy All Women Police Station,
Chennai – 600 032.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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