



*Crl.M.P.No.4578 of 2025
in Crl.A.No.405 of 2023*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2025

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Crl.M.P.No.4578 of 2025
in
Crl.A.No.405 of 2023

Muniappan

...Petitioner

Vs.

State rep. by
Inspector of Police,
Karipatti Police Station,
Salem District.

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., seeking to suspend the sentence imposed by the learned Sessions Judge, Mahila Court, Salem in Spl.S.C.No.15 of 2015 dated 27.01.2017 and enlarge the petitioner on bail.

For Petitioner : Mr.S.Parthasarathy

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor
assisted by Ms.M.Arifa Thasneem



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ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

The petitioner herein, who was the sole accused before the Trial Court, has been convicted and sentenced as follows, through the judgment passed in Spl.S.C.No.15 of 2015 dated 27.01.2017:-

<i>Offence</i>	<i>Sentence imposed</i>
Section 366 of IPC	Rigorous imprisonment for 10 years and to pay a fine of Rs.10,000/-, in default to undergo 6 months simple imprisonment
Section 6 r/w 5(m) of POCSO Act	Life imprisonment and to pay a fine of Rs.10,000/-, in default to undergo 6 months simple imprisonment
Section 302 of IPC	Life imprisonment and to pay a fine of Rs.10,000/-, in default to undergo 6 months simple imprisonment
Section 201 r/w 302 of IPC	Rigorous imprisonment for 7 years and to pay a fine of Rs.2,000/-, in default to undergo 3 months simple imprisonment

2. Challenging the above conviction and sentence, the petitioner has filed the above Criminal Appeal and seeks for suspension of sentence and bail in the present miscellaneous petition.



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3. No doubt, the evidences before us reveal the gruesome rape and murder of a 3½ years old girl child. The medical evidences also point out that this is a case of culpable homicide. The prosecution has framed charges based on circumstantial evidences and has placed reliance on the evidences of P.W.8 and P.W.13 as last seen evidences, which is the predominant link to the chain of circumstances.

4. On perusal of the evidences of P.W.8 and P.W.13, we find that while P.W.8 has, in detail, narrated that on the date of occurrence, he had seen the accused carrying a baby wrapped in a saree and when he had questioned him who the child was, he had replied that it was his granddaughter. P.W.8 had also asked the accused as to where he was going, to which the accused replied that he was going to his agricultural land. P.W.8 had then offered to drop the accused, to which he refused. However, P.W.13, who was accompanying P.W.8 in the motorcycle, has stated that he saw the accused carrying 'something' wrapped in a saree and when questioned as to where he was going, the accused replied 'simply'. The contradictions in the versions of both P.W.8 and P.W.13 appear to be material contradictions, which may go to the root of the matter. The



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prosecution has not brought in any other important link to connect the chain of circumstances and though this is a case of culpable homicide, the culpability fixed on the accused may warrant interference. However, we have recorded our *prima facie* view alone.

5. The accused is said to be in imprisonment for almost 8 years from 27.01.2017 and therefore, by taking into consideration his long period of incarceration, as well as the fact that the appeal is not likely to be taken up in the near future, we are inclined to suspend the sentence of the petitioner.

6. Accordingly, this Criminal Miscellaneous Petition stands allowed and the sentence imposed on the petitioner/accused, is suspended on the following conditions:-

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties each, for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Salem.
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Trial Court may obtain a copy of their Aadhar Card or Bank Pass Book and mobile numbers



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to ensure their identity; and

(iii) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 A.M., until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day, in lieu of the date of his absence, as directed by the Trial Court.

[M.S.R, J.] [V.L.N, J.]
10.07.2025

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Note: Issue Order Copy on 11.07.2025



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M.S.RAMESH, J.
and
V. LAKSHMINARAYANAN, J.

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To

1.The Sessions Judge,
Mahila Court, Salem.

2.The Superintendent of Prisons,
Central Prison, Coimbatore.

3.The Inspector of Police,
Karipatti Police Station,
Salem District.

4.The Public Prosecutor,
High Court of Madras.

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