



Crl.M.P.No.6194 of 2025
in
Crl.A.No.315 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.M.P.No.6194 of 2025

in

Crl.A.No.315 of 2025

Vijay
S/o.Perumal

... Petitioner

Vs.

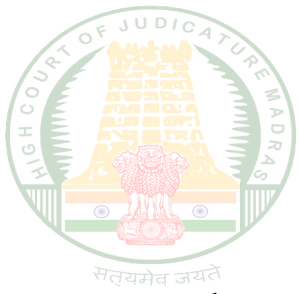
1. The State Rep.by its
The Deputy Superintendent of Police,
Kottakuppam Sub Division,
Villupuram District,
Crime No.39 of 2023.
(Kiliyanur Police Station)

2. The State Rep.by its
The Inspector of Police,
Kiliyanur Police Station,
Villupuram District,
Crime No.39 of 2023.

3. Sangeetha
D/o.Ravi

... Respondents

Criminal Miscellaneous Petition filed under Section 389(1)
Cr.P.C./430 BNSS, to suspend the sentence imposed by the order passed
against the petitioners in Spl.S.C.No.39 of 2024 on 28.02.2025 by the



Crl.M.P.No.6194 of 2025
in
Crl.A.No.315 of 2025

WEB COPY

learned Sessions Judge, Special Court for Exclusive Trial Cases Registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram, enlarge on bail pending disposal of the above Criminal Appeal.

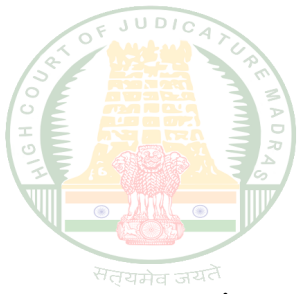
For Petitioner : Mr.S.Saravana Kumar

For Respondents : Mrs.G.V.Kasthuri
Additional Public Prosecutor
for R1 and R2

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner/accused by judgment dated 28.02.2025 passed in Spl.S.C.No.39 of 2024 by the learned Sessions Judge, Special Court for Exclusive Trial Cases Registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram, and to enlarge the petitioner on bail pending disposal of the above appeal.

2. The case of the prosecution is that the *de-facto* complainant had lodged a complaint against the accused alleging that the accused was acquainted with her and they were in love for four months. During that



Crl.M.P.No.6194 of 2025
in
Crl.A.No.315 of 2025

WEB COPY

time, the accused made false promise to marry her and taken the photographs and videographs in an obscene manner. Later, it came to the knowledge of the complainant that the accused had relationship with another girl and that she evaded him. However, the accused compelled her to marry him. Since she refused to marry him, the accused had uploaded the videos and photographs on Instagram. Hence, a case in Crime No.39 of 2023 was registered against the accused for the offences under Sections 354(C), 354(D) and 417 IPC and 67-A Information Technology Act [hereinafter referred to as 'IT Act'] read with Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002 [hereinafter referred to as 'TNPHW Act, 2002']. After completion of investigation, the respondent-Police filed a charge sheet in Spl.S.C.No.39 of 2024 before the learned Sessions Judge, Special Court for Exclusive Trial Cases Registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram for the offences under Sections 354(C), 354(D) and 417 IPC and Sections 66E and 67A of IT Act read with Section 4 of TNPHW Act, 2002 read with Sections 3(2)(va) of SC/ST (PoA) Act, 1989.



Crl.M.P.No.6194 of 2025
in
Crl.A.No.315 of 2025

WEB COPY

3. After trial, the petitioner/accused in Spl.S.C.No.39 of 2024 before the learned Sessions Judge, Special Court for Exclusive Trial Cases Registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram, was convicted and sentenced as follows on 28.02.2025:

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1	Section 417 IPC	Simple imprisonment for a period of one year
2	Section 66E of Information Technology Act	Rigorous imprisonment for a period of three years
3	Section 67 of Information Technology Act	Rigorous imprisonment for a period of three years and to pay a fine of Rs.10,000/-, in default, to undergo rigorous imprisonment for a period of six months.

The aforesaid sentences were ordered to be run concurrently.

4. Challenging the above conviction and sentence, the petitioner has filed the appeal in Crl.A.No.315 of 2025 along with the instant criminal miscellaneous petition seeking suspension of sentence and to enlarge him on bail.



Crl.M.P.No.6194 of 2025
in
Crl.A.No.315 of 2025

WEB COPY

5. Learned counsel for the petitioner submitted that the petitioner is innocent person and he was not involved in the alleged commission of offences. The petitioner has a fair chance to succeed in the appeal and if the petitioner is granted bail pending appeal, no prejudice would be caused to the respondent. He further submitted that the petitioner is ready and willing to abide by the stringent conditions if any, may be imposed on him. Therefore, he prays to grant suspension of sentence to the petitioner.

6. Heard both sides and perused the materials available on record.

7. Considering the facts and circumstances of the case and also considering the fact that there are arguable points involved in the appeal and according to the learned counsel for the petitioner, there are several infirmities in the prosecution case, this Court is of the considered view that it is a fit case to grant the relief of suspension of sentence to the petitioner/accused.

8. Accordingly, the substantive sentence of imprisonment alone is suspended on the following conditions :



Crl.M.P.No.6194 of 2025
in
Crl.A.No.315 of 2025

WEB COPY

(i) The petitioner 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 learned Sessions Judge, Special Court for Exclusive Trial Cases Registered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Villupuram;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii) The petitioner shall appear before the Trial Court once in a month i.e., Monday at 10.30 a.m., pending disposal of the above appeal.

27.03.2025

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
ms



WEB COPY



Crl.M.P.No.6194 of 2025
in
Crl.A.No.315 of 2025

To

1. The Sessions Judge,
Special Court for Exclusive Trial Cases
Registered under the Scheduled Castes and
Scheduled Tribes (Prevention of Atrocities) Act, 1989,
Villupuram.
2. The Deputy Superintendent of Police,
Kottakuppam Sub Division,
Villupuram District.
3. The Inspector of Police,
Kiliyanur Police Station,
Villupuram District.
4. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.M.P.No.6194 of 2025
in
Crl.A.No.315 of 2025

P.VELMURUGAN, J
ms

Crl.M.P.No.6194 of 2025
in
Crl.A.No.315 of 2025

27.03.2025
(2/2)