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Crl.MP.No.10041 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2025

CORAM:

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

Crl.M.P.No.10041 of 2025

in

Crl.A.No.493 of 2025

Kumar @ Rajkumar

...Petitioner

Vs.

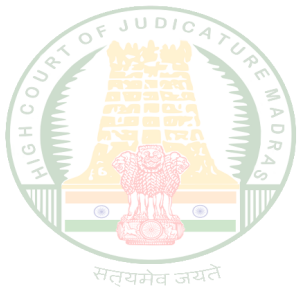
State represented by  
The Inspector of Police,  
Palladam Police Station,  
Tirupur District  
(crime No.1357 of 2021)

... Respondent

**PRAYER**: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. / 430(1) of BNSS Act, to suspend the sentence and enlarge the petitioner on bail imposed in Special SC.No.91 of 2022 dated 22.04.2025 (on the file of the Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Tiruppur) pending disposal of the above criminal appeal.

For Petitioner : M.Vignesh

For Respondent : Mr.S.Raja Kumar,  
Additional Public Prosecutor



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## **ORDER**

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This Criminal Miscellaneous Petition has been filed praying to suspend the sentence and to enlarge the petitioner on bail imposed in Special SC.No.91 of 2022 dated 22.04.2025 (on the file of the Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Tiruppur) pending disposal of the above criminal appeal.

2. The petitioner is the accused in Special SC.No.91 of 2022 dated 22.04.2025 on the file of the Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Tiruppur. He was found guilty of the offences under Sections 376(3) & 366 of IPC and Section 5(1) r/w 6 of POCSO Act, Section 9 of Child Marriage Act and he has been convicted and sentenced as under:

| S.No. | Conviction                      | Sentence                                                                                                                   |
|-------|---------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| 1     | Section 366 of IPC              | to undergo 5 years rigorous imprisonment and to pay fine of Rs.5,000/-, in default to undergo 6 months simple imprisonment |
| 2     | Section 9 of Child Marriage Act | to undergo 2 years rigorous imprisonment and to pay fine of Rs.5,000/-, in default to undergo 6 months simple imprisonment |



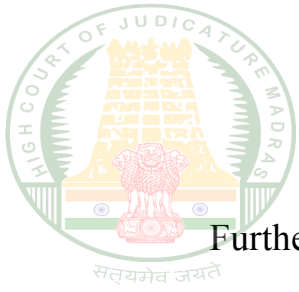
| S.No. | Conviction                      | Sentence                                                                                                                    |
|-------|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| 3     | Section 5(1) r/w 6 of POCSO Act | to undergo 20 years rigorous imprisonment and to pay fine of Rs.5,000/-, in default to undergo 6 months simple imprisonment |

Aggrieved by the same, the petitioner has filed the aforementioned criminal appeal before this Court along with the present miscellaneous petition.

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. He would submit that the petitioner is ready to abide the condition imposed by this Court.

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

5. On perusal of records, it is revealed that the Trial Court has convicted the petitioner after going through the evidence in its entirety.



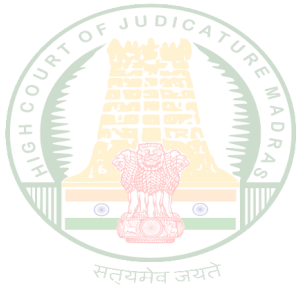
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Further, this Court find that the petitioner committed very heinous and serious offence against the victim. As such, this Court is not inclined to entertain this petition.

6. Accordingly, this miscellaneous petition is dismissed.

13.06.2025

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

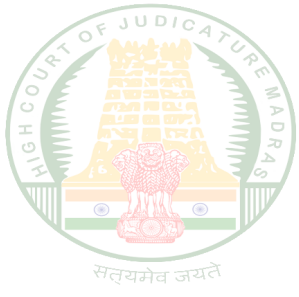


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To

1. Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court),  
Tiruppur
2. The Inspector of Police,  
Palladam Police Station,  
Tirupur District
3. The Public Prosecutor,  
High Court of Madras



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**G.K.ILANTHIRAIYAN, J.**

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