



*Crl.M.P.No.12704 of 2025
in Crl.A.No.758 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 02.07.2025

CORAM:

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

Crl.M.P.No.12704 of 2025

in

Crl.A.No.758 of 2025

M.Durai

..... Petitioner

Vs

1.The State rep by its
The Deputy Superintendent of Police,
Gingee Police Station,
Villupuram.
(Crime No.625 of 2017)

2. M.Parthasarathy
The Village Administrative Officer,
Arumugam Village,
Maduranthakam Taluk,
Sakkarapuram, Gingee.

..... Respondents

PRAYER: Criminal Miscellaneous Petition filed under Section 430 (1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to pass an order suspending the sentences imposed in Spl.S.C.No.52 of 2018 vide the judgment of conviction dated 31.01.2025 passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under Scheduled Caste and Scheduled



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For Petitioner : Mr.G.Prabhakaran

For R1 : Mr.A.Gopinath

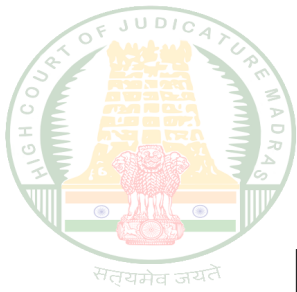
Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence and conviction dated 31.01.2025 passed in Spl.S.C.No.52 of 2018 by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under Scheduled Caste and Scheduled Tribes (POA) Act, Villupuram and to enlarge the petitioner on bail pending disposal of the criminal appeal.

2. The petitioner, who is the second accused in Spl.S.C.No.52 of 2018, was convicted and sentenced by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under Scheduled Caste and Scheduled Tribes (POA) Act, Villupuram, vide judgment dated 31.01.2025, as follows:

Rank of the accused	Conviction under Section	Sentence awarded
2 nd accused	376(2)(1) of IPC	to undergo rigorous



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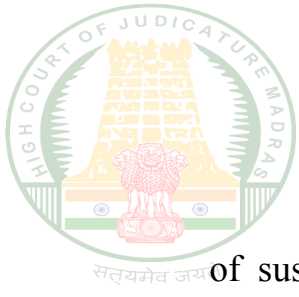


*Crl.M.P.No.12704 of 2025
in Crl.A.No.758 of 2025*

Rank of the accused	Conviction under Section	Sentence awarded
		imprisonment for a period of ten years and to pay fine of Rs.10,000/-, in default to undergo rigorous imprisonment for a period of two years
	376(2)(m) of 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 a period of two years
	376(D) of IPC	to undergo rigorous imprisonment for a period of 20 years and to pay fine of Rs.1,00,000/-, in default, to undergo rigorous imprisonment for a period of five years.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the first respondent.

4. This Court finds no reasons to suspend the sentence since the Trial Court has gone through the evidence in its entirety and also finds that the petitioner had committed very serious and heinous offence as against the victim and the petitioner has failed to make out a prima facie case for grant



*Crl.M.P.No.12704 of 2025
in Crl.A.No.758 of 2025*

WEB COPY

of suspension of sentence. Therefore, this Court is not inclined to grant suspension of sentence imposed by the Trial Court.

5. In the result, this Criminal Miscellaneous Petition is dismissed.

02.07.2025
(2/2)

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

Lpp

To

1.The Sessions Judge,
Special Court for Exclusive Trial of Cases under
Scheduled Caste and Scheduled Tribes (POA) Act
Villupuram

2.The Deputy Superintendent of Police,
Gingee Police Station,
Villupuram.

3.The Public Prosecutor,
High Court of Madras,
Chennai.



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*Crl.M.P.No.12704 of 2025
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G.K.ILANTHIRAIYAN, J.
Lpp

Crl.M.P.No.12704 of 2025
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02.07.2025
(2/2)