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Crl.M.P.No.12252 of 2025 in Crl.A.No.194 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2025

CORAM:

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

Crl.M.P.No.12252 of 2025

in

Crl.A.No.194 of 2025

Mahendran

...Petitioner

Vs.

State By,
The Inspector of Police,
Erumadu Police Station,
Nilgiri District.

(Crime No.8/2018)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed against the petitioner on 07.10.2022 in Spl.CC.No.2 of 2019 on the Learned Sessions Judge, Magalir Neethimandram, FTMC, Udhagamandalam at Nilgiris and release the petitioner on bail till the disposal of the criminal appeal.

For Petitioner : Mr.P.Pugalenthi

For Respondent : Mr.S.Raja Kumar

Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed in Spl.CC.No.2 of 2019 dated 07.10.2022 on the file of the Sessions Judge, Magalir Neethimandram, FTMC, Udhagamandalam at Nilgiris.



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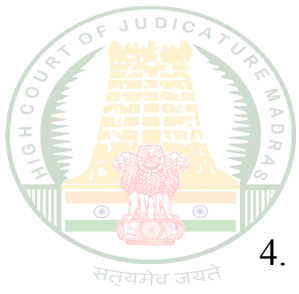
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2. The petitioner is an accused in Spl.CC.No.2 of 2019 on the file of the Sessions Judge, Magalir Neethimandram, FTMC, Udthagamandalam at Nilgiris. The petitioner was found guilty and he has been convicted and sentenced as under:-

S.No.	Conviction	Sentence
1.	Section 366(A) of IPC	to undergo 5 years rigorous imprisonment and to pay a fine of Rs.5000/-, in default to undergo further period of three months simple imprisonment.
2.	Sections 5(1) read with 6 of POCSO Act	to undergo 20 years rigorous imprisonment and fine amount of Rs.5,000/-, failing which accused shall undergo simple imprisonment for further period of six months.

Aggrieved by the same, the petitioner has filed this appeal 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.



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4. Per contra, the learned Additional Public Prosecutor appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

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

6. Considering the facts and circumstances of the case, the petitioner has failed to make out a prima facie case for grant of suspension of sentence. Therefore, this Court is not inclined to grant suspension of sentence imposed by the Trial Court.

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

26.06.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.

mn

To

1. The Sessions Judge, Magalir Neethimandram,
FTMC, Udhagamandalam at Nilgiris.
2. The Inspector of Police,
Erumadu Police Station,
Nilgiri District.
3. The Public Prosecutor,
Madras High Court,
Chennai.

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