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*Crl.M.P.No.13201 of 2025
in Crl.A.No.805 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2025

CORAM:

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

Crl.M.P.No.13201 of 2025

in

Crl.A.No.805 of 2025

Kumaresan

... Petitioner

Vs.

The State by
The Inspector of Police,
All Women Police Station,
Villupuram District.
(Crime No.3 of 2018)

... Respondent

PRAYER: Criminal Miscellaneous Petitions filed under Section 430 & 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the appellant in S.C.No.72 of 2020 by judgement dated 14.05.2025 passed by the learned Sessions Judge, Magalir Neethi Mandram (Mahila Fast Track Court), Villupuram, Villupuram District and enlarge the petitioner on bail, pending disposal of this criminal appeal on the file of this Court.

For Petitioner : Mr.M.R.Jothimanian

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned Sessions Judge, Magalir Neethi Mandram (Mahila Fast Track Court), Villupuram, in S.C.No.72 of 2020, dated 14.05.2025, and enlarge the petitioner on bail pending disposal of the above appeal.

2. The case of the prosecution is that the petitioner had sexual intercourse with the victim girl on false promise to marry her, due to which she got pregnant. Thereafter, the petitioner refused to marry the victim girl. On the complaint, the respondent register the FIR in Crime No.03 of 2018 for the offences punishable under Sections 417 & 376 of IPC. After completion of investigation, the respondent filed final report and the same has been taken cognizance by the trial Court in Sessions Case No.72 of 2020 on the file of the learned Sessions Judge, Magalir Neethi Mandram (Mahila Fast Track Court), Villupuram.

3. After full fledged trial, the trial Court found the petitioner



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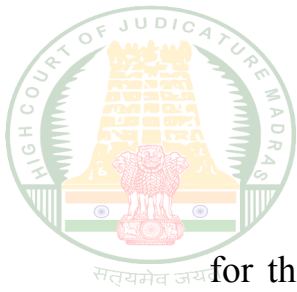
guilty for the offences punishable under Sections 417 & 376 of IPC and convicted and sentenced him as under:

S.No.	Conviction	Sentence
1	Section 417 of IPC	to undergo six months simple imprisonment and to pay a fine of Rs.5,000/- in default to undergo further period of one month simple imprisonment.
2	Section 376 of IPC	to undergo ten years rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo further period of six months simple imprisonment.

The sentences are ordered to run concurrently. Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition.

4. The learned counsel appearing for the petitioner submitted 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 are ready to abide any condition to be imposed by this Court.

5. Per contra, the learned Additional Public Prosecutor appearing



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for the respondent/State raised serious objection for allowing this petition.

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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.

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

7. On perusal of records, it is revealed that the petitioner had committed very serious offence by committing penetrative sexual assault on the victim girl. There is a clinching evidence to prove the case of the prosecution and the prosecution had proved the case beyond the reasonable doubts. Further, the petitioner failed to make out *prima facie* case to suspend the sentence.

8. Accordingly, the Criminal Miscellaneous petition stands dismissed.



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

rts

To

1. The Sessions Judge,
Magalir Neethi Mandram
(Mahila Fast Track Court),
Villupuram.

2. The Inspector of Police,
All Women Police Station,
Villupuram District.

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



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G.K.ILANTHIRAIYAN, J.
rts

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