



Crl.M.P.No.14645 of 2025 in Crl.A.No.732 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2025

CORAM:

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

Crl.M.P.No.14645 of 2025

in

Crl.A.No.732 of 2025

Muthu

...Petitioner

Vs.

The State Represented by
The Inspector of Police,
W-22 All Women Police Station,
Mylapore, Chennai - 600 004.
(Crime.No.23 of 2016)

... 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 27.06.2022 in SC.No.122 of 2019, on the learned Sessions Court, Mahalir Neethimandram, Allikulam, Chennai and release the petitioner on bail till the disposal of the Criminal Appeal.

For Petitioner : Mr.P.Pugalenth

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 SC.No.122 of 2019 dated 27.06.2022 on the file of the Sessions Court, Mahalir Neethimandram, Allikulam, Chennai.



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2. The petitioner is an accused in S.C.No.122 of 2019 on the file of the Sessions Court, Mahalir Neethimandram, Allikulam, Chennai. The petitioner was found guilty and he has been convicted and sentenced as under:-

S.No.	Conviction	Sentence
1.	Section 342 of IPC	to undergo 1 year rigorous imprisonment and to pay a fine of Rs.1000/-, in default to undergo further period of one month simple imprisonment.
2.	Section 376(2)(I) of IPC	to undergo 10 years rigorous imprisonment and fine amount of Rs.5,000/-, failing which accused shall undergo rigorous imprisonment for further period of three 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.

4. Per contra, the learned Additional Public Prosecutor appearing for the



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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. The petitioner had committed very serious and heinous offence as against the victim by committing rape. Though PW1 turned hostile during the cross examination after receipt of some monetary compensation, 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.

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



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G.K.ILANTHIRAIYAN, J.

mn

To

1. The Sessions Court,
Mahalir Neethimandram,
Allikulam, Chennai.
2. The Inspector of Police,
W-22 All Women Police Station,
Mylapore, Chennai - 600 004.
3. The Public Prosecutor,
Madras High Court,
Chennai.

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