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Crl.M.P.No.14677 of 2025 in Crl.A.No.1111 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.14677 of 2025

in

Crl.A.No.1111 of 2025

Kumaravel

...Petitioner

Vs.

State Represented by
Inspector of Police,
Kottakuppam AWPS Police Station,
Villupuram District.
(Crime No.118/2019)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the petitioner passed by the Hon'ble Sessions Judge, Magalir Needhi Mandram (Fast Track Mahila Court), Villupuram vide S.C.No.118 of 2019 dated 28.02.2025 and release him on bail pending disposal of the main Criminal Appeal.

For Petitioner : M/s J.Andrea Anjalin for
Mr.G.Paramasivam

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 S.C.No.118 of 2019 dated



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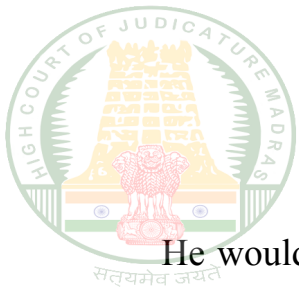
28.02.2025 on the file of the Sessions Judge, Magalir Needhi Mandram (Fast Track Mahila Court), Villupuram.

2. The petitioner is an accused in S.C.No.118 of 2019 on the file of the Sessions Judge, Magalir Needhi Mandram (Fast Track Mahila Court), Villupuram. The petitioner was found guilty and he has been convicted and sentenced as under:-

S.No.	Conviction	Sentence
1.	Section 417 of IPC	to undergo 1 year simple imprisonment and to pay a fine of Rs.5000/-, in default to undergo further period of one month simple imprisonment.
2.	Section 376 of IPC	to undergo 10 years rigorous imprisonment and fine amount of Rs.10,000/-, 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.

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. The petitioner had committed very serious and heinous offence as against the victim by committing rape. 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.



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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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- To
1. The Sessions Judge,
Magalir Needhi Mandram
(Fast Track Mahila Court),
Villupuram.
 2. The Inspector of Police,
Kottakuppam AWPS Police Station,
Villupuram District.
 3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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