



Crl.M.P.No.13054 of 2024
in
Crl.A.No.1173 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.M.P.No.13054 of 2024

in

Crl.A.No.1173 of 2024

Surya Prakash @ Surya
S/o. Ayyavu
(Now confining at Central Prison, Coimbatore)

... Petitioner

Vs.

State Through
The Inspector of Police,
Moolanur Police Station,
Tiruppur District,
Crime No.635 of 2021.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 430(1) BNSS, to suspend the sentence imposed against the appellant in Spl.S.C.No.94 of 2021 on the file of the Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court) Tiruppur dated 16.10.2023 and release the appellant on bail till the disposal of the main Criminal Appeal.

For Petitioner : Mr.S.Mohammad Ansar
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor



Crl.M.P.No.13054 of 2024
in
Crl.A.No.1173 of 2024

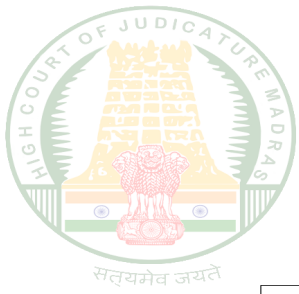
WEB COPY

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence of imprisonment imposed on the petitioner by the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur in Spl.S.C.No.94 of 2021 dated 16.10.2023 and enlarge the petitioner on bail, pending disposal of the above Criminal appeal.

2. The petitioner/accused in Spl.S.C.No.94 of 2021 on the file of the Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur was found guilty for the offences under Section 366 and 344 IPC and Section 9 of Prohibition of Child Marriage Act (hereinafter referred to as 'PCM Act') and Sections 5(1) read with 6 of Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as 'POCSO Act') and he was convicted and sentenced as follows :

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence passed by the Trial Court</i>
1	Section 5(1) read with 6 of POCSO Act	To undergo twenty years rigorous imprisonment and to pay a fine of Rs.1,500/-, in default, to undergo one year rigorous imprisonment.
2	Section 9 of PCM Act	To undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to



Crl.M.P.No.13054 of 2024
in
Crl.A.No.1173 of 2024

WEB COPY

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence passed by the Trial Court</i>
		undergo six months rigorous imprisonment.
3.	Section 366 IPC	To undergo seven years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo six months rigorous imprisonment.
4.	Section 342 IPC	To undergo one year rigorous imprisonment.

Further, the aforesaid sentences were ordered to run concurrently.

3. Challenging the above conviction and sentence, the petitioner/accused preferred the appeal Crl.A.No.1173 of 2024 along with the instant criminal miscellaneous petition seeking suspension of sentence and to enlarge him on bail.

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

5. Considering the facts and circumstances of the case and also considering the age of the victim and taking into consideration the serious nature of offences committed by the petitioner, this Court is not inclined to suspend the sentence at this stage and the main appeal will be taken up for consideration. Hence, the miscellaneous petition is dismissed.

21.04.2025

ms

3/5



WEB COPY



Crl.M.P.No.13054 of 2024
in
Crl.A.No.1173 of 2024

To

1. The Sessions Judge,
Magalir Neethimandram (Fast Track Mahila Court)
Tiruppur.
2. The Inspector of Police,
Moolanur Police Station,
Tiruppur District.
3. The Superintendent of Prison,
Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.M.P.No.13054 of 2024
in
Crl.A.No.1173 of 2024

P.VELMURUGAN, J

ms

Crl.M.P.No.13054 of 2024
in
Crl.A.No.1173 of 2024

21.04.2025
(2/2)