



Crl.M.P.No.17027 of 2023
in Crl.A.No.1189 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

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in Crl.A.No.1189 of 2023

Silambarasan @ Ashwin
S/o.Ulaganathan,
No.6/08, Mariamman Koil Street,
Palipattupet, Thookanampakkam,
Cuddalore District.

Petitioner(s)/Accused

Vs

The State represented by
The Inspector of Police,
Bahour Police Station, Puduchery.
Crime No.30 of 2022

Respondent(s)/Complainant

Civil Miscellaneous Petition filed under Section 389(1) Cr.P.C.

[Section 430(1) BNSS, 2023], to suspend the sentence imposed on the



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petitioner by judgment dated 29.08.2023 passed in S.C.No.33 of 2023 on the file of the II Additional Sessions Court, Puducherry and to enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner(s) : Ms.M.Kruthika

For Respondent : Mr.M.V.Ramachandra Murthy
Public Prosecutor (Puducherry)

ORDER

(Made by N.Sathish Kumar, J.)

This criminal miscellaneous petition has been preferred seeking to suspend the sentence imposed on the petitioner by judgment dated 29.08.2023 passed in S.C.No.33 of 2023 on the file of the II Additional Sessions Court, Puducherry and to enlarge him on bail pending disposal of the above appeal.

2. It is the case of the prosecution that when the victim Govindammal, aged about 63 years, was doing agricultural work in her brother's groundnut field, the petitioner is said to have snatched her mobile



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phone by assaulting her using wooden log, dragged her to a nearby bush and ravished her.

3. The petitioner, who was the accused in S.C.No.33 of 2023 before the II Additional Sessions Court, Puducherry, was convicted and sentenced as follows:

<i>Provision under which convicted</i>	<i>Sentence</i>
Section 394 IPC	Ten years rigorous imprisonment and fine of Rs.5,000/-, in default to undergo six months simple imprisonment.
Section 376(2)(m) IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo six months simple imprisonment.
Section 324 IPC	One year rigorous imprisonment.
Section 506(II) IPC	Two years rigorous imprisonment.
The aforesaid sentences were ordered to run concurrently.	

3. Challenging the above conviction and sentences, the petitioner has filed Crl.A.No.1189 of 2023 along with the instant miscellaneous petition seeking suspension of sentence and bail.



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4. The learned counsel appearing for the petitioner would submit that the case has been foisted against him. He would further submit that the even before Test Identification Parade, photograph of the accused was shown to the witnesses and therefore, Test Identification Parade is itself doubtful. Further, he would submit that the trial Court has erred in convicting the petitioner. Stating so, he prayed for the grant of suspension of sentence and bail to the petitioner.

5. The learned Additional Public Prosecutor appearing for the respondent/police has filed a counter affidavit and opposed for the grant of suspension of sentence and bail to the petitioner.

6. We have perused the evidence of the victim Govindammal (PW1), aged about 63 years and it reveals that she has been sexually assaulted by the petitioner and the manner, in which, she sustained injuries has been substantiated by the medical evidence, which clearly shows that it is a clear case of brutal rape.



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7. Considering the gravity of the offence, we are of the view that this is not a fit case to suspend the sentence and release the petitioner on bail.

In the result, this criminal miscellaneous petition is dismissed as being devoid of merits.

(N.S.K., J.) (M.J.R., J.)
26.11.2025

nsd

To

- 1.The II Additional Sessions Judge, Puducherry.
- 2.The Inspector of Police,
Bahour Police Station, Puduchery.
- 3.The Superintendent, Central Prison, Kalapet.
- 4.The Public Prosecutor, Madras High Court,
Chennai – 600 104.



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M.JOTHIRAMAN, J.

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