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CRL MP No. 17564 of 2024 in
CRL A NO.1542 OF 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL.M.P.NO.17564 OF 2024

in CRL A.No.1542 of 2024

MANIKANDAN
S/O. KANNIAPPAN, NO.19, PILLAIYAR KOIL
STREET, PUDUR VILLAGE, CHEYYUR TALUK,
KANCHEEPURAM DISTRICT.

APPELLANT(S)

Vs

STATE REP.BY
THE INSPECTOR OF POLICE, CHITLAPAKKAM
POLICE STATION, CHENNAI - 600 064.
CR.NO.489/2008

RESPONDENT(S)

For Appellant(s): MR.T.R.RAVI

For Respondent(s): Dr.C.E.PRATAP
GOVERNMENT ADVOCATE (CRL. SIDE)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence imposed on the petitioner by the learned Sessions Judge cum Mahila Court, Chengalpattu in S.C.No.101 of 2016 dated 20.11.2024 convicting under Section 366 IPC and sentencing him to undergo 7 years RI and a fine of Rs.2000/- in default to undergo one month S.I. and under Section 376 IPC sentencing him to undergo 7 years RI and a fine of



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Rs.2,000/- in default to undergo one month SI and directed to run both

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sentence concurrently and enlarge the petitioner on bail, pending disposal of the above criminal appeal.

2. The case of the prosecution is that on 14.07.2008, the petitioner had taken kidnapped the victim; on the pretext of getting married, tied "thali" in a temple; thereafter took her to his friend's house and had sexual intercourse with her and thus committed the offence under Section 366(A) and 376 IPC.

3. The petitioner/Accused in S.C.No.101 of 2016 was convicted by the Trial Court and sentenced to undergo Seven years Rigorous Imprisonment with fine of Rs.2000/- for the offence u/s 366 IPC and in default to undergo one month simple imprisonment and for the offence u/s 376 IPC, sentenced to undergo 7 years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default to undergo simple imprisonment for one month. Aggrieved by the same, the petitioner/accused filed Crl.A.No.1542 of 2024 along with the instant miscellaneous petition seeking suspension of sentence and bail.



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4. The learned counsel for the petitioner would submit that the prosecution had not established the age of the victim; that admittedly the victim and the petitioner were in a love affair; that thereafter the petitioner married the victim; that they are now living as husband and wife and two children were born out of the wedlock and prayed for suspension of sentence.

5. Heard the learned Govt. Advocate (crl.side) and perused the counter affidavit.

6. The learned Government Advocate(crl.side), on instructions would submit that the the petitioner is now married to the victim and they are living as husband and wife.

7. Considering the submissions made on either side; the fact that the petitioner has raised substantial grounds in the above appeal which requires consideration; that the appeal is not likely to be taken up in the near future and that fixed sentence of imprisonment has been imposed by the trial court under Section 366 & 376 of IPC, this Court is inclined to grant the relief of suspension of sentence to the petitioner.



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8. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended and the petitioner is ordered to be released on bail on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Tambaram ;
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

02.01.2025

rgf

Issue order copy by 07.01.2025
Upload the order copy forthwith.



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To

- 1.The Sessions Judge cum Mahila Court,
Chengalpattu.
- 2.The Inspector of Police,
Chitlapakkam Police Station,
Chennai – 600 064.
- 3.The Superintendent
Central Prison,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

rgt

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02.01.2025