



WEB COPY



Crl.M.P.No.182 of 2025 in Crl.A.No.31 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2025

CORAM:

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

Crl.M.P.No.182 of 2025

in

Crl.A.No.31 of 2025

Silambarasan

...Petitioner

Vs.

The Inspector of Police,
W-24, All Women Police Station,
Teynampet, Chennai.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed against petitioner / Appellant / Sole-Accused namely Silambarasan, aged about 44 yrs S/o. Vishwanathan, passed by order dated 21.09.2024 in SC.No.229 of 2022 on the file of Sessions Judge, Mahalir Neethimandram at Allikulam, Chennai.

For Petitioner	: Mr.P.G.Santhosh Kumar
For Respondent	: Mrs.G.V.Kasthuri
	Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed in SC.No.229 of 2022 dated 21.09.2024 on the file of the Sessions Judge, Mahalir Neethimandram at



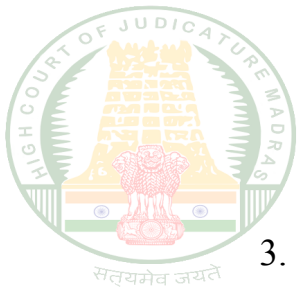
Allikulam, Chennai.

WEB COPY

2. The petitioner is arrayed as an accused in SC.No.229 of 2022 on the file of the Sessions Judge, Mahalir Neethimandram at 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 two months simple imprisonment.
2.	Section 354(B) of IPC	to undergo 7 years rigorous imprisonment and fine amount of Rs.2,000/-, in default to undergo further period of three months simple imprisonment.
3.	Section 376(2)(1) of IPC	to undergo 10 years rigorous imprisonment and fine amount of Rs.5,000/-, in default to undergo further period of six months simple imprisonment.
4.	Section 506(ii) of IPC	to undergo two years rigorous imprisonment and fine amount of Rs.2,000/-, in default to undergo further period of three months simple imprisonment.

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, she would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to her, 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, since he had committed very serious and heinous offence as against a mentally



Crl.M.P.No.182 of 2025 in Crl.A.No.31 of 2025

disordered 19 year old girl by committing penetrative sexual assault. 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.

01.08.2025

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



WEB COPY



Crl.M.P.No.182 of 2025 in Crl.A.No.31 of 2025

To

1. The Sessions Judge, Mahalir Neethimandram at Allikulam, Chennai.
2. The Inspector of Police,
W-24, All Women Police Station,
Teynampet, Chennai.
3. The Public Prosecutor,
Madras High Court,
Chennai.



WEB COPY



Crl.M.P.No.182 of 2025 in Crl.A.No.31 of 2025

G.K.ILANTHIRAIYAN, J.

mn

Crl.M.P.No.182 of 2025
in
Crl.A.No.31 of 2025

01.08.2025