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*Crl.M.P.No.18587 of 2024
in Crl.A.No.1670 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.18587 of 2024

in

Crl.A.No.1670 of 2024

Chinnaraj

... Petitioner /A1

Vs.

State Rep. by
The Inspector of Police,
All Women Police Station,
Melmaruvathur AWPS,
Chengalpattu District.
Crime No.9 of 2015

... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430(1) of BNSS praying to suspend the sentence against the judgment in S.C.No.252 of 2017 dated 12.12.2024 passed by the learned Sessions Judge, Mahila Court at Chengalpattu, pending disposal of the above criminal appeal.

For Petitioner : Mr.G.Anbuchezeiyan

For Respondent : Dr.C.E.Pratap
Government Advocate (Crl. Side)



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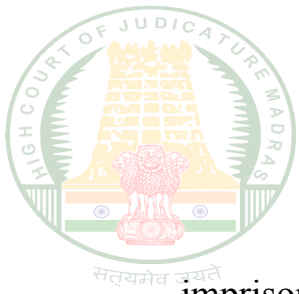
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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the judgment dated 12.12.2024 passed in S.C.No.252 of 2017 by the learned Sessions Judge, Mahila Court at Chengalpattu, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. It is the case of the prosecution that the petitioner and the victim, who was aged about 21 years at the time of occurrence, had a love affair and on the false promise of marriage, the petitioner had sexual intercourse with the victim; that the family members came to know about the relationship and the petitioner assured them that he would marry the victim; that thereafter he failed to keep up his promise and hence, a complaint was lodged for offences under Sections 376(1)(n) r/w 375(a), 417, 506(ii) and 294(b) of I.P.C.

3. The petitioner/A1 in S.C.No.252 of 2017 was convicted by the Trial Court by the judgment dated 12.12.2024 for the offences under Sections 376(2) and 417 of I.P.C. and sentenced to undergo seven years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo simple



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imprisonment for one month for offence under Section 376(2) of I.P.C. and for the offence under Section 417 of I.P.C., sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for one month. Aggrieved by the same, he filed Crl.A.No.1670 of 2024 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

4.The learned counsel for petitioner would submit that the relationship between the petitioner and the victim was consensual admittedly; that the petitioner aged about 25 years at the time of occurrence and the victim had a love affair for a very long time; that the allegation of rape and cheating is an afterthought and prayed for granting suspension of sentence to the petitioner.

5.Heard the learned Government Advocate and perused the counter affidavit.

6.Admittedly, the petitioner and the victim had a love affair. Their relationship was consensual. Considering the age of the petitioner and the victim, it has to be examined in the appeal, whether the petitioner had sexual



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intercourse with the victim on the false promise of marriage and since the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

7. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended till the disposal of the above Criminal appeal and the petitioner is ordered to be released on bail on the following conditions:

- (i) The petitioner/A1 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 Sessions Judge, Mahila Court at Chengalpattu;
- (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



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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.

10.01.2025

rsi

Issue order copy by 20.01.2025
Upload the order copy forthwith.

To

- 1.The Sessions Judge,
Mahila Court at Chengalpattu.
- 2.The Inspector of Police,
All Women Police Station,
Melmaruvathur AWPS,
Chengalpattu District.
- 3.The Superintendent,
Central Prison, Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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