



Crl.M.P(MD)No.126 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.01.2025

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.M.P(MD)No.126 of 2025

in

Crl.A.(MD).No.15 of 2025

Kannan

... Petitioner / Appellant

Vs.

The Inspector of Police,
A-Mukkulam Police Station,
Virudhunagar District.
(Crime No.82 of 2021)

... Respondent / Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430 of BNSS, 2023 Sectin 389(1) of Cr.P.C., to suspend the sentence imposed on the petitioner/appellant in S.C.No.142 of 2022 on the file of the learned Fast Track Mahila Court, Virudhunagar District, at Srivilliputtur, dated 26.12.2024 and enlarge him on bail pending disposal of the instant criminal appeal.

For Petitioner : Mr.C.Mayilvahana Rajendran, Advocate
for Mr.V.Selvakumar, Advocate

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This petition is filed to suspend the sentence imposed on the petitioner by the



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learned Fast Track Mahila Court, Virudhunagar District, at Srivilliputtur, in S.C.No.142 of 2022 dated 26.12.2024 and enlarge the petitioner on bail pending disposal of the main Criminal Appeal.

2.The case of the prosecution is that on 04.10.2021, at about 09.00 a.m., when P.W.1 and P.W.9 was waiting at a bus stop ie., Senkulam, at that time, the appellant came to the said place in his two wheeler and offered lift for both of them stating that he would drop their at their required place. Thereafter, both of them went along with the appellant in his two wheeler and P.W.9 got down at Nangur. But, P.W.1 alone went along with the appellant in his two wheeler to drop her in Tiruppurvanam. During such course of their travel, the appellant said to have misbehaved with P.W.1, due to which, she fell down from the two wheeler resulting in which, she sustained head injury. Hence, P.W.1 gave a complaint. On the basis of the complaint given by P.W.1, the respondent Police registered a case in Crime No.82 of 2021 for the offence under Sections 354 and 506(i) of IPC and Section 4 of Tamilnadu Harassment of Women Act, 2002. The respondent police, after completing the investigation, has laid a final report and the same was taken on file in S.C.No.142 of 2022.

3.During the trial, on the side of the prosecution, 15 witnesses were examined as P.W.1 to P.W.15 and 7 documents were marked as Ex.P.1 to Ex.P.7. On the side of



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the accused, neither a document was produced nor a witness was examined.

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4.The learned Sessions Judge, upon considering the evidences adduced and on hearing the arguments on both the sides, has passed the impugned judgment dated 26.12.2024 convicting the petitioner/accused for the offence under Section 366 of IPC and sentenced him to undergo five years Rigorous Imprisonment and to pay a fine of Rs.3000/- in default to undergo six months Rigorous Imprisonment and for the offence under Section 354A(1)(i) of IPC and sentenced him to undergo 3 years Rigorous Imprisonment and to pay fine of Rs.1000/- in default to undergo three months Rigorous imprisonment and for the offence under Section 354A(1)(ii) of IPC and sentenced him to undergo 3 years Rigorous Imprisonment and to pay fine of Rs.1000/- in default to undergo three months Rigorous imprisonment and for the offence under Section 506(i) of IPC and sentenced him to undergo 2 years Rigorous Imprisonment and to pay fine of Rs.1000/- in default to undergo three months Rigorous imprisonment and for the offence under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

5.The learned counsel for the petitioner would submit that even as per the prosecution, the victim is aged about 36 years and she voluntarily went along with



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the petitioner and make some allegation against the petitioner. He would further submit that there was a delay in registering the case and recording the statement also. He would further submit that both had illegal relationship, in order to save skin, she made false complaint. He would further submit that he was confined at Central Prison, Madurai, from 26.12.2024. Hence, he seeks suspension of sentence.

6.The learned Government Advocate (Crl. Side) appearing for the respondent Police would contend that the learned trial Court has rightly convicted the petitioner on the basis of the evidence and the petitioner has no prima facie case in this appeal and hence, he strongly opposed to grant suspension of sentence.

7.This Court has carefully considered the submissions made by the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) and also perused the materials available on record.

8.Considering the facts and circumstances of the case and also considering the submission of the learned counsel appearing for the petitioner and period of incarceration and there are some arguable points involved in the criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future, the petitioner is entitled to the relief of grant of suspension of sentence.

9. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-



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(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Fast Track Mahila Court, Virudhunagar District, at Srivilliputtur;

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of his Aadhar card or Bank Pass Book to ensure his identity; and

(iii) The petitioner shall appear before the concerned Court once in a month i.e., on first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal.

sd/-
20/01/2025

/ TRUE COPY /

20/01/2025
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSG

To

1.The Judge,
Fast Track Mahila Court,
Virudhunagar District at Srivilliputtur.



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2.The Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.

3.The Superintendent,
Central Prison, Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.MALAIYENDRAN, Advocate (SR-528[I] dated 20/01/2025)

ORDER
IN
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in
Crl.A.(MD).No.15 of 2025
Date :20/01/2025

ED/ /SAR- (20/01/2025) 6P / 6C

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