



CRL MP(MD) NO. 1615 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21-02-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) NO. 1615 of 2024

in

CRL A(MD)No.399 of 2021

Sangaranarayanan
S/o. Masanam, No.75, Perumal Colony,
Pudukottai Village, Sivakasi Taluk,
Virudhunagar District.

...Petitioner

Vs

1.The Inspector of Police
M.Pudupatti Police Station,
Virudhunagar District.
(Cr.No.27/2016)

2.Pandiselvi

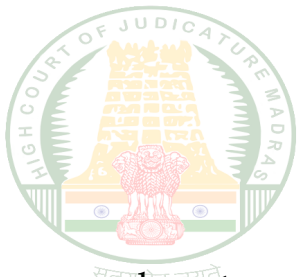
...Respondent

For Petitioner : Mr.A.Balaji, Advocate

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl Side)
for R1

ORDER

The petitioner A2 was found guilty and convicted along with A1 in Spl.SC.No.50 of 2016 and sentenced to undergo 7 years rigorous imprisonment and to pay a fine of Rs.5,000/- with default clause for the offence under Section 363 of IPC



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and sentenced to undergo 10 years of imprisonment and a fine of Rs.5,000/- with
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default clause for the offence under Sections 4 and 3 of the POCSO Act, 2021.

2. As against the conviction, the petitioner has already filed an appeal in CrIa (MD)No.399 of 2021 along with CrIMP(MD)No.2881 of 2022 to suspend the sentence pending the appeal. The petition to suspend the sentence was dismissed by order dated 01.03.2022. This petitioner has filed another petition in CrIMP(MD)No.15560 of 2022 to suspend the sentence and it was dismissed on 10.01.2023. Even after the dismissal of the earlier two petitions to suspend the sentence were dismissed, the appeal could not be taken up for final hearing. The petitioner claims that he is in jail from 18.08.2021, from the date of conviction.

3.The learned counsel for the petitioner by referring the evidence of the victim girl submits that it is only vague allegation has been made as against this petitioner. The entire prosecution was as against A1. The victim girl in her evidence has stated that she is having love affair with this petitioner and he attempted to rape her. He further submits that apart from the evidence of the victim girl, there is no other evidence as against this petitioner.



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4.The learned Government Advocate (Crl Side) by referring to the earlier orders of this Court submits that the earlier applications to suspend the sentence were dismissed and there is no change in circumstance.

5.This Court considered the rival submissions made and perused the material placed on record.

6.Though the earlier applications filed by the petitioner to suspend the sentence were dismissed by this court, the petitioner has made out a case that the main criminal appeal could not be taken up for final disposal. Considering that the petitioner is having some arguable points in the main appeal and it could not be taken up for final disposal immediately, this Court is inclined to suspend the sentence pending the criminal appeal.

7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the



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satisfaction of the learned Judicial Magistrate, Sivakasi and on further condition that the petitioner shall stay in Tiruchirappalli and report before the Thottiam Police Station daily at 10.30am.

sd/-
21/02/2025

/ TRUE COPY /

21/02/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK

TO

1.THE JUDICIAL MAGISTRATE, SIVAKASI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE
M.PUDUPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4.THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION, TRICHY DISTRICT.



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WEB COPY +1 CC to M/s.A.BALAJI, Advocate (SR-1956[I] dated 21/02/2025)

ORDER
IN
CRL MP(MD) NO. 1615 of 2024
in
CRL A(MD)No.399 of 2021
Date :21/02/2025

RK(21/02/2025) 5P / 8C

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