



Crl.MP(MD) No.2880 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.2880 of 2025

in

Crl.A(MD) No.281 of 2025

Ajithkumar

... Petitioner

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
AWPS, Andipatti,
Crime No.9 of 2020

... Respondent

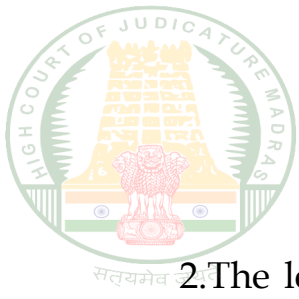
For Petitioner	:	Mr.AK.Azagar Sami
For Respondent	:	Mr.A.S.Abdul Kalam Azad Government Advocate (Crl Side)

ORDER

The petitioner, an accused in S.C.No.19 of 2021, on the file of the Sessions Court, Fast Track Mahila Court, Theni was found guilty by the trial Court and was convicted and sentenced to undergo one year rigorous imprisonment and to pay compensation of Rs.3,00,000/- for the offence under Section 417 IPC. As against the conviction and sentence imposed by the trial Court, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.281 of 2025 and the same is admitted today. The petitioner has also moved this application to suspend the sentence imposed on him by the trial

Court

<https://www.jmhc.tn.gov.in/judis>



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2.The learned counsel appearing for the petitioner submits that the age of the victim at the time of occurrence was 20 years and she is leading an immoral life. Even during the trial, she had a relationship with another minor boy aged about 17 years, took that boy and married him. For this conduct of the victim girl/PW1, a criminal case in Crime No.11 of 2024, on the file of the Andipatti All Women Police Station has been registered. Since the copy of that FIR was not available at the time of trial, the petitioner could not place the same before the trial Court. Now, the learned counsel has produced a copy of the statement of the victim boy, recorded under Section 164 Cr.P.C in that case, before this Court.

3.The learned Government Advocate appearing for the respondent confirms that the victim girl in this case has eloped with a minor boy aged about 17 years. He further submits that on the scientific examination conducted by the prosecution, it reveals that this petitioner is the biological father of the child born to PW1.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.Though the petitioner was prosecuted for the offence under Sections 376 and 417 IPC, he was convicted for the offence under Section 417 IPC and one year rigorous imprisonment was imposed. The appeal filed by this petitioner as against the conviction and sentence imposed by the trial Court is admitted by this Court



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today on the grounds raised in support of the appeal. The trial Court while passing
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the judgment has suspended the sentence imposed on the petitioner till 31.01.2025.

6. Since the petitioner is having certain arguable points, which needs to be considered at the time of final hearing of the appeal, this Court is inclined to suspend the sentence imposed on this petitioner with certain conditions.

7. Accordingly, 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) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni and on further condition that the petitioner shall appear before the trial Court on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.

sd/-

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/04/2025

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

vrn

TO

1 THE SESSIONS JUDGE, MAHALIR NEETHIMANDRAM,
FAST TRACK MAHILA COURT, THENI.



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2 THE INSPECTOR OF POLICE, AWPS, ANDIPATTI, THENI DISTRICT.

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

ORDER

IN

Crl.MP(MD) No.2880 of 2025

in

Crl.A(MD) No.281 of 2025

Date :27/03/2025

RS/VR/SAR-(01.04.2025) 4P 4C

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