



Crl.M.P.(MD)No.3352 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.3352 of 2024

in Crl.A.(MD)No.239 of 2024

Murugan,
S/o.Chinnan,
Mekkilarpatti, Usilampatti Taluk,
Madurai District.

Petitioner(s)

versus

The State rep. by
The Inspector of Police,
Usilampatti All Women Police Station,
Madurai District.

Respondent(s)

For Petitioner(s):

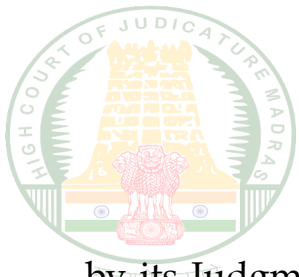
Mr.Arihara Sudhan
Advocate

For Respondent(s):

Mr.P.Kottaichamy
Government Advocate (Crl. Side)

ORDER

The petitioner is the sole accused in S.C.No.466 of 2018 on the file of the Sessions Court, Mahalir Neethimandram, Madurai. After the trial, the trial Court,



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by its Judgment dated 02.12.2023, found the petitioner guilty for the offence under Section 354 IPC and convicted and sentenced him to undergo 5 years rigorous imprisonment and to pay a fine of Rs.1,000/- with default sentence of six months simple imprisonment. Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.239 of 2024 along with a petition for suspending the sentence. The Criminal Appeal was admitted by this Court on 19.03.2024.

2. The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution, however, due to some dispute between P.W.1 and the petitioner, he was implicated in this case. The learned counsel further submits that the petitioner is in jail from 02.12.2023 and even during the trial, the petitioner was in jail from 08.06.2017 to 11.07.2017, i.e. 34 days. In this case, the maximum punishment is five years and the petitioner has almost completed the sentence period of 1 ½ years. Therefore, he seeks for suspending the sentence imposed on the petitioner.

3. The learned Government Advocate (Crl. Side) submits that the petitioner has attempted to commit rape on the victim, who was aged about 90 years old. Though the charge was framed for the offence under Section 376 IPC, the petitioner was found guilty for the offence under Section 354 IPC and convicted and sentenced



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as stated supra. Therefore, it is not a fit case for suspending the sentence.

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

5. The victim was aged about 90 years old at the time of occurrence. The allegation as against the petitioner is that he has attempted to commit rape on the victim, when she was sleeping outside her house. The said incident was noticed by P.W.2, the daughter-in-law of the victim and thereafter, the complaint was lodged. P.W.2 admitted that there are lights in front of her house and there are street lights also. According to P.W.2, the petitioner has forcibly attempted to rape the victim. But, the Doctor, who examined the victim, has not noticed any injury. Further, the victim was not examined and during the trial, she died.

6. The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioner, his period of incarceration and for the reasons that the appeal could not be taken up immediately, this Court is inclined to allow this petition.

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 only)



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with two sureties each for a like sum to the satisfaction of the Sessions Court, Mahalir Neethimandram, Madurai and on further conditions that the petitioner shall stay at Nagapattinam and report before the Inspector of Police, Nagapattinam Town Police Station, Nagapattinam, daily at 10.30 a.m. until further orders.

sd/-
14/03/2025

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/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1. The Sessions Judge,
Mahalir Neethimandram,
Madurai.
2. The Superintendent,
Central Prison, Madurai.
3. The Inspector of Police,
Usilampatti All Women Police Station,
Madurai District.



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4. The Inspector of Police,
Nagapattinam Town Police Station,
Nagapattinam.

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

+1 CC to M/s.V.S.ARIHARASUDHAN, Advocate (SR-2851[I] dated 14/03/2025)
ORDER
IN
Crl.M.P.(MD)No.3352 of 2024
in Crl.A.(MD)No.239 of 2024
Date :14/03/2025

MK/SKN/SAR /26.03.2025 5P/7C

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