



CrI.M.P.(MD)No.4569 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 23.06.2025

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

CrI.M.P.(MD)No.4569 of 2025
in CrI.A.(MD)No.422 of 2025

M.Shanmugasundaram

... Appellant

vs.

The Inspector of Police,
All Women Police Station,
Manapparai,
Trichy District.
Crime No.33 of 2021

...Respondent

PRAYER : This Criminal Miscellaneous Petition has been filed under Section 430(1) of BNSS praying to suspend the sentence imposed against the petitioner by the learned Sessions Judge, Mahila Court, Tiruchirappalli in Spl.S.C.No.81 of 2022, dated 26.03.2025 and enlarge him on bail pending disposal of the above appeal.

For Petitioner : Mr.M.Subash Babu, Senior Counsel
for M/s.Subash Law Office

For Respondent : Mr.A.Albert James,
Government Advocate (CrI. Side)



Crl.M.P.(MD)No.4569 of 2025

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ORDER

The Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Sessions Judge, Mahila Court, Tiruchirappalli in Spl.S.C.No.81 of 2022, dated 26.03.2025, till the disposal of appeal.

2.The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned Sessions Judge, for the alleged offences under Sections 366 and 506(i) of IPC and Section 9(m) r/w 10 of POCSO Act and sentenced him to undergo 4 years rigorous imprisonment and to pay a fine of Rs.4,000/- in default to undergo 4 months simple imprisonment for the offence u/s.366 IPC, sentenced him to undergo 1 year rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo 3 months simple imprisonment for the offence u/s.506(i) IPC and sentenced him to undergo 5 years rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo 6 months simple imprisonment for the offence u/s.9(m) r/w 10 of POCSO Act. The sentences were ordered to run concurrently. Set off under Section 428 Cr.P.C. is also ordered.

3. On perusal of records, it is seen that the petitioner, has been detained under Goondas Act for nearly 8 months, by considering him as a sexual offender. But, the same was revoked by this Court on 23.09.2022. It is submitted by the learned



Crl.M.P.(MD)No.4569 of 2025

counsel appearing for the petitioner that there are contradictions between the statement of victim child under Section 164 Cr.P.C. and her evidence; despite the same, the Trial Court has believed the evidence of the victim child.

4. As the appeal has already been admitted on 04.04.2025 and as there is no possibility to hear the appeal immediately, I feel it is appropriate to suspend the sentence alone on conditions.

5. Accordingly, the substantive part of the sentence alone is suspended on the following conditions:

- i. that 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 Sessions Judge, Mahila Court, Tiruchirappalli;
- ii. that the petitioner shall appear before the said Court daily, at 10.30 a.m. till the disposal of appeal.

6. Accordingly, this Criminal Miscellaneous Petition is allowed.

sd/-
23/06/2025

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/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Crl.M.P.(MD)No.4569 of 2025

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TO

1 THE SESSIONS JUDGE,
MAHILA COURT, TIRUCHIRAPPALLI.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MANAPPARAI,
TRICHY DISTRICT

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

+1. C.C. to M/S.SUBASH LAW OFFICE Advocate SR.No.6664 (I) DT.23/06/2025

ORDER

IN

CRL MP(MD) No.4569 of 2025

IN

CRL A(MD) No.422 of 2025

Date :23/06/2025

NM/24.06.2025 4P/5C

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