



Crl.M.P.(MD)No.5608 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.5608 of 2025

in Crl.A.(MD)No.159 of 2024

Vijay @ Kuruvi Vijay,
S/o.Kannan,
297, E-Block,
Shenbagathottam,
Anna Nagar,
Madurai District.

Petitioner(s)

versus

State through
The Inspector of Police,
Anna Nagar Police Station,
Madurai District.

Respondent(s)

For Petitioner(s):

Mr.M.Jerin Mathew
Advocate

For Respondent(s):

Mr.P.Kottaichamy,
Government Advocate (Crl. side)

ORDER

The petitioner is the first accused in S.C.No.67 of 2022 on the file of the Sessions Mahila Court, Madurai. He was tried along with another accused for the offence



Crl.M.P.(MD)No.5608 of 2025

WEB COPY

under Sections 341, 294(b), 506(2), 366 and 376(D) IPC. In conclusion of trial, the trial Court, by its Judgment dated 30.01.2024, found the accused persons guilty for the offence under Sections 376(D), 366 and 506(2) IPC and convicted and sentenced them as under:

- (i) For the offence under Section 376(D) IPC, to undergo rigorous imprisonment for 20 years each and to pay a fine of Rs.10,000/- each, in default to undergo simple imprisonment for a further period of one year each;
- (ii) For the offence under Section 366 IPC, to undergo rigorous imprisonment for 10 years each and to pay a fine of Rs.10,000/- each, in default to undergo simple imprisonment for a further period of one year each;
- (iii) For the offence under Section 506(2) IPC to undergo rigorous imprisonment for 2 years each and to pay a fine of Rs.5,000/- each, in default to undergo simple imprisonment for a further period of three months each.

Challenging the Judgment of conviction and sentence, the petitioner/A1 has preferred this appeal in Crl.A.(MD)No.159 of 2024 and the same has been admitted by this Court on 28.02.2024. The 2nd accused has also preferred an appeal in Crl.A.(MD)No.809 of 2024. Earlier, the petitioner had moved two petitions in Crl.M.P.(MD)No.2404 of 2024 and 4072 of 2025 seeking to suspend the sentence imposed by the trial Court and the same were dismissed by this Court, by order dated 23.08.2024 and



Crl.M.P.(MD)No.5608 of 2025

26.03.2025 respectively, considering the antecedent as against the petitioner.

WEB COPY

However, this Court has considered the petition filed by the 2nd accused to suspend the sentence in Crl.M.P.(MD)No.10498 of 2024 that the victim girl/P.W.1 has not supported her complaint and turned hostile during the trial and other witness, namely, P.W.2 has also turned hostile and the medical evidence as well as the forensic evidence has not supported the case of the prosecution. Therefore, this Court, by order dated 28.02.2025, suspended the sentence imposed against the 2nd accused. This is the 3rd petition filed by the petitioner seeking to suspend the sentence imposed against him.

2. The learned counsel appearing for the petitioner submits that he failed to refer the earlier order passed by this Court in Crl.M.P.(MD)No.10498 of 2024, dated 28.02.2025, by which, this Court granted suspension of sentence to the 2nd accused. With regard to the previous cases projected as against the petitioner, the learned counsel submits that most of the cases have been disposed of and only eight cases are pending against him. The learned counsel further submits that the petitioner has changed his attitude and he started studying in the prison and he also completed 8th standard in the prison and secured 329 marks in the 8th standard. He has also produced the mark statement of the petitioner issued by the State Board of School Examination on 20.09.2024. Now, the petitioner is pursuing 10th standard. To prove



Crl.M.P.(MD)No.5608 of 2025

WEB COPY

the same, the learned counsel has also enclosed his S.S.L.C. hall ticket. The learned counsel further submits that the petitioner is also prepared to furnish two Government sureties for his availability for the remaining cases and also to ensure that he will not indulge in further offence in future. The petitioner is also prepared to comply with any condition as imposed by this Court.

3. The learned Government Advocate (Crl. Side) submits that some of the cases registered against the petitioner have been disposed of and the petitioner is still facing eight cases. Considering the antecedent, the earlier petition filed by the petitioner in Crl.M.P.(MD)No.4072 of 2025 was dismissed by this Court only on 26.03.2025 and therefore, there is no change in circumstances in this petition.

4. This Court considered the rival submissions made.

5. In fact, this Court, by order dated 26.03.2025, rejected the earlier petition filed by the petitioner in Crl.M.P.(MD)No.4072 of 2025 seeking to suspend the sentence, by considering the antecedent against the petitioner. The Police has projected that the petitioner was involved in 32 cases. But, the fact remains that some of the cases have been disposed of and now, he is facing eight cases. However, this Court, by order dated 28.02.2024, considered the petition filed by the 2nd accused in Crl.M.P.(MD) No.10498 of 2024 and suspended the sentence imposed against the 2nd accused considering the available materials that the victim herself has turned hostile and



Crl.M.P.(MD)No.5608 of 2025

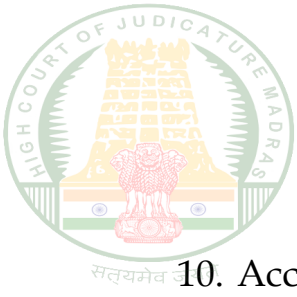
other witnesses has not supported the case of the prosecution and that the medical evidence as well as forensic evidence has not substantiated the case of the prosecution. The available evidence for the 2nd accused would also be applicable for the 1st accused.

6. This Court has also taken note of the documents produced by the learned counsel for the petitioner that the petitioner is pursuing his studies in the prison and he also completed 8th standard and obtained 329 marks and now, he is pursuing 10th standard.

7. Our criminal justice system is to reform the accused. At the same time, this Court is afraid that if the accused is released on bail, he may indulge in further offence. The accused should not indulge in further offence and should not cause any illness to the society.

8. However, considering the conduct of the petitioner that he has diverted his mind and started pursuing his studies and completed 8th standard and now, pursuing 10th standard, this Court is inclined to provide an opportunity to the petitioner to get reformed.

9. Considering the period of incarceration and the change of attitude and also for the reasons that the appeal could not be taken up immediately, this Court is inclined to allow this petition.



Crl.M.P.(MD)No.5608 of 2025

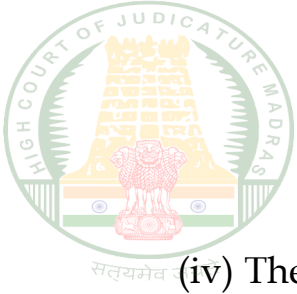
WEB COPY

10. 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 the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees twenty five thousand only), with two sureties each for a like sum to the satisfaction of the Sessions Mahila Court, Madurai.

(ii) the persons who are giving sureties should be Government Servants and the sureties shall file an affidavit before the respondent Police by ensuring that the petitioner will not misuse the liberty granted by this Court pending the appeal and will not indulge in any further offence in future and he will be available for trial in other cases and also for the appeal proceedings.

(iii) The petitioner shall also file an undertaking affidavit before the respondent Police that he will not misuse the liberty granted by this Court and he will not indulge in any further offence in future and he will be available for trial in other cases and also for the appeal proceedings.



Crl.M.P.(MD)No.5608 of 2025

WEB COPY

(iv) The petitioner shall stay at Vellore and report before the Inspector of Police, Katpadi Police Station, Vellore, daily at 10.30 a.m. until further orders.

sd/-
24/04/2025

/ TRUE COPY /

/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ogy
To

1. The Sessions Mahila Court,
Madurai.
2. The Superintendent,
Central Prison, Cuddalore.
3. The Inspector of Police,
Anna Nagar Police Station,
Madurai District.
4. The Inspector of Police,
Katpadi Police Station,
Vellore.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,

Madurai

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



Crl.M.P.(MD)No.5608 of 2025

WEB COPY

+1. C.C. to M.JERIN MATHEW Advocate SR.No.4799(I) DT.25.04.2025

ORDER
IN
Crl.M.P.(MD)No.5608 of 2025
in
Crl.A.(MD)No.159 of 2024
Date :24/04/2025

PP/SAR. /24.04.2025/8P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.