



CRL MP(MD) NO. 7228 OF 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16-06-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

CRL MP(MD) NO. 7228 OF 2025

in

CRL A(MD) NO. 653 of 2025

Nishanth

S/o.Arumugam, Venkateswara Nagar, Thanthonimalai, Karur
District. Confinement at Centrarl Prison, Trichy.

Appellant(s)

Vs

The State of Tamilnadu

Rep by The Inspector of Police, All Women Police Station, Karur
District. Crime no.13 of 2020.

Respondent(s)

PRAYER : This Criminal Miscellaneous Petition is filed under Section 528 of BNSS, 2023 / under Section 430 of BNSS, to suspend the sentence imposed against the petitioner in Spl.S.C.No.40 of 2021 dated 16.04.2025 passed by the learned Additional Sessions Court (Fast Track Mahila Court), Karur and enlarge the petitioner on bail pending disposal of the above appeal.

For Appellant:

Mr.A.M.Senthil Kumar

For Respondent:

Mr.A.Albert James
Government Advocate (Crl.side)



CRL MP(MD) NO. 7228 OF 2025

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ORDER

The Criminal Miscellaneous Petition is filed to suspend the sentence imposed against the petitioner in Spl.S.C.No.40 of 2021 dated 16.04.2025 passed by the learned Additional Sessions Court (Fast Track Mahila Court), Karur, till the disposal of appeal.

2.The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned Additional Sessions Court (Fast Track Mahila Court), Karur, for the alleged offences under Section 366 of IPC and sentenced to undergo rigorous imprisonment for a period of 10 years and to pay a fine of Rs.1,000/-, failing which one month simple imprisonment ; and convicted for the offence under Section 12 of POCSO Act and sentenced to undergo three years simple imprisonment and to pay a fine of Rs.1,000/- failing which one month simple imprisonment. The sentences were ordered to run concurrently. Set off under Section 428 Cr.P.C. is also ordered.

3. Learned counsel for the appellant submitted that there is a contradiction in describing the place of occurrence by the prosecution and the evidence of victim. He



CRL MP(MD) NO. 7228 OF 2025

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further submitted that against some of the accused, proceedings have been taken before the Juvenile Justice Court and during that course, P.W.2 has given contradictory statement to what she has stated before the trial court, when the split trial had taken place against the other accused.

4. It is seen that the learned Trial Judge had ignored the above contradiction, by holding that the evidence available on record if considered holistically would prove the guilt of the accused beyond reasonable doubts. So far as the incriminating evidence against third accused is that he had taken videograph of the occurrence and it was the 1st and 2nd accused who had sexually harassed the victim.

5. When the victim(P.W.2) was cross examined on behalf of the third accused, she was confronted with the video contained herself and Accused Nos.1 and 2.

6. During the cross examination of P.W.1, she has stated that she had seen in the videograph that someone had threatened the first accused to remove his dress and it was the same voice which threatened the victim also to remove her dress. P.W.1 has further stated that the 1st and 2nd accused were seen in a disturbed state and appeared to have got scared and they were even beaten up. Even the Court has



CRL MP(MD) NO. 7228 OF 2025

observed that in the video it is seen that the 1st and 2nd accused were seen to be
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beaten up.

7. As the same has not been properly considered by the trial Court, the appeal has been admitted.

8. As the appeal an not be taken immediately and considering the tiem delay involved in the same and also considering the fact that the petitioner is willing to furnish sureties, I feel the sentence can be suspended on conditions.

9. Hence, the substantive sentence of imprisonment alone is suspended pending disposal of the appeal 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 Judge, Additional Sessions Court (Fast Track Mahila Court), Karur,
- ii. that the petitioner shall appear before the said Court daily, at 10.30 a.m. till the disposal of appeal.



CRL MP(MD) NO. 7228 OF 2025

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10. Accordingly, this Criminal Miscellaneous Petition is allowed.

sd/-
16/06/2025

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

PNN

TO

1. THE ADDITIONAL SESSIONS JUDGE
(FAST TRACK MAHILA COURT), KARUR.
2. THE SUPERINTENDENT, CENTRAL PRISON, TRICHIRAPALLI.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL MP(MD) NO. 7228 OF 2025

WEB COPY +1 CC to M/s.AM.SENTHIL KUMAR, Advocate (SR-6416[I] dated 17/06/2025)

ORDER
IN
CRL MP(MD) No.7228 of 2025
Date :16/06/2025

PR/19.06 .2025 6P/6C

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