



CRL MP(MD) NO. 7497 OF 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

CRL MP(MD) NO. 7497 OF 2025

in

CRL A(MD) NO. 663 of 2025

Aravinth

Appellant(s)

Vs

The State of Tamilnadu

Rep by The Inspector of Police, All Women Police Station, Karur

District. Crime no.13 of 2020 and another.

Respondent(s)

PRAYER : This Criminal Miscellaneous Petition is filed 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.S.Simiyon

For Respondent:

Mr.A.Albert James

Government Advocate (Crl.side)

### 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



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Additional Sessions Court (Fast Track Mahila Court), Karur, till the disposal of  
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appeal.

2. The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned Additional Sessions Judge (Fast Track Mahila Court), Karur, for the alleged offences under Section 366 of IPC and sentenced to undergo simple 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. The learned counsel for the appellant submitted that there is a contradiction in stating the place of occurrence by the prosecution and the evidence of victim. It is further submitted that against some of the accused, trial proceedings have been conducted before the Juvenile Justice Court and during that course, P.W.2 has given statements contrary to what she has stated during the split trial against the other accused.

4. It is seen that the learned Trial Judge had observed that the holistic consideration of the evidence on record proved the guilt of the accused beyond reasonable doubt. So far as the incriminating evidence against the third accused is



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that he had taken videograph of the occurrence and it was the 1st and 2nd accused who had sexually harassed the victim.

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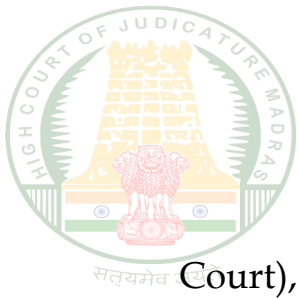
5. When the victim (P.W.2) was cross examined on behalf of the third accused, she was confronted with the video contained herself and Accused Nos.1 and 2. During the cross examination of P.W.1, she has stated that she could see in the video that someone shouting harshly at the first accused to remove his dress and the same voice shouted at the victim also to remove her dress. P.W.1 has further stated that the 1st and 2nd accused were seen frightened. They were seen being beaten up also.

6. Even the Court has observed that the 1st and 2nd accused were seen to be beaten up in the video. As the appellant could make out a ground to be heard, this appeal is admitted.

7. As the appeal cannot be taken up immediately and also considering the fact that the petitioner is willing to furnish sureties, I feel the sentence can be suspended on conditions.

8. 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



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ii. that the petitioner shall appear before the said Court daily, at 10.30 a.m. till the disposal of appeal.

9. Accordingly, this Criminal Miscellaneous Petition is allowed.

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17/06/2025

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20/06/2025  
Sub-Assistant Registrar  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

MBI

TO

1 THE ADDITIONAL SESSIONS JUDGE  
(FAST TRACK MAHILA COURT), KARUR.

2 THE SUPERINTENDENT,  
CENTRAL PRISON, TRICHIRAPPALLI.

3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
KARUR DISTRICT.

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

+1 CC to M/s.S.SIMIYON VERGIL, Advocate ( SR-6395[I] dated 17/06/2025 )



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ORDER  
IN  
CRL MP(MD) NO. 7497 OF 2025  
in  
CRL A(MD) NO. 663 of 2025  
Date :17/06/2025

SA/SAR. /20.06.2025/5P/6C

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