



CRL MP(MD) NO. 8596 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2025

CORAM

THE HONOURABLE Dr.JUSTICE R.N.MANJULA

CRL MP(MD) NO. 8596 of 2025

IN

CRL A(MD) NO. 848 of 2024

T.Vijayan

Petitioner(s)

Vs

The State Represented by

Inspector of Police

All Women Police Station

Musiri, Tiruchirappalli District.

Crime No.3 of 2019

Respondent(s)

For Petitioner(s):

Mr.S.Muthukrishnan

For Respondent(s):

Mr.A.Albert James

Government Advocate (Crl. Side)

PRAYER: This Petition is filed under Section 430(1) of BNSS praying to suspend the sentence imposed against the petitioner in S.C.No.10/2021 dated 28.08.2024 on the file of the learned Sessions Judge, Mahila Court, Tiruchirappalli and enlarge him

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



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on bail pending disposal of the above appeal.

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ORDER

The Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Sessions Judge, Mahila Court, Tiruchirappalli, dated 28.08.2024 in Special S.C.No.10/2021 till the disposal of appeal.

2. The learned counsel for the petitioner submitted that PW2 who is the interpreter with whose assistance the victim girl was examined has stated in her evidence that the victim is mentally challenged, however, she did not produce any Medical Certificate; the victim girl and the eye witnesses have stated in their evidence that they did not scream to invite other persons in the village to catch hold of the accused and hand over him to the Police; and the petitioner is in prison for nearly 11 months and there is no possibility to take up the appeal in any near future.

3. On perusal of the complaint Ex.P1 and evidence of PW1, who is the sister of the victim, it is seen that the victim girl is physically challenged, lost sight in one of her eyes and could not speak coherently. PW8 Doctor who had examined the victim girl has stated in her evidence that as per the Psychiatrist opinion, the victim girl is a



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mentally affected person and she is also physically challenged. So far as the material aspect of the offence is concerned, it appears that the victim girl has deposed evidence supporting the case of the prosecution. However, the appeal appears to have been admitted already probably because of the medical evidence where the Doctor has stated that there were no injuries found on the body of the victim girl. The merits of the grounds raised by the petitioner can be heard only during the detailed hearing of the appeal. As there is no possibility of taking the appeal in any near future and the petitioner / accused is said to be in prison for nearly 11 months and considering the above limited aspects, I feel it is appropriate to suspend the sentence alone on conditions. 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 on all working days at 10.30 a.m. till the disposal of appeal.



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4. Accordingly, this Criminal Miscellaneous Petition is allowed.

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

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To

- 1.The Sessions Judge, Mahila Court, Tiruchirappalli.
- 2.The Inspector of Police, All Women Police Station
Musiri, Tiruchirappalli District.
- 3.The Superintendent, Central Prison, Trichy.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL MP(MD) NO. 8596 of 2025

IN

CRL A(MD) NO. 848 of 2024

Date :25/07/2025

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