



CRL MP(MD) NO. 10498 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28-02-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) NO. 10498 of 2024

IN

CRL A(MD)No.809 of 2024

Karthik @ Mavuli Karthik M

...Petitioner

Vs

The State of Tamilnadu
Rep by The Inspector of Police,
Anna Nagar Police Station, Madurai City,
Crime No. 1950/2021

... Respondent

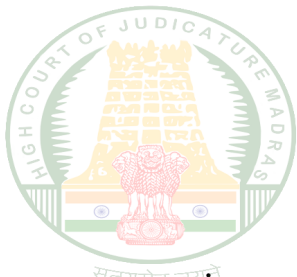
Prayer: Petition filed under Section 430(1) of BNSS to suspend the sentence imposed by against the petitioner in SC.No.67 of 2022, dated 30.01.2024 passed by the Sessions Judge, Mahalir Neethimandram, Madurai and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.Jerin Mathew M, Advocate

For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl Side)

ORDER

The petitioner accused No.2 in SC.No.67 of 2022 on the file of the Mahila Court, Madurai was found guilty, convicted and sentenced to undergo 20 years rigorous imprisonment with a fine of Rs.10,000/-, in default, to undergo 1 year simple imprisonment for the offence under Section 376(D) IPC and sentenced to undergo 10

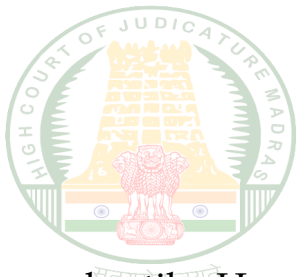


CRL MP(MD) NO. 10498 of 2024

years rigorous imprisonment with fine of Rs.10,000/- in default to undergo 1 year simple imprisonment for the offence under Section 366 IPC and sentenced to undergo 2 years rigorous imprisonment with fine of Rs.5,000/- in default to undergo 3 months simple imprisonment for the offence under Section 506(2) IPC; As against the conviction, the petitioner has filed an appeal in CrIa(MD)No.809 of 2024 and the appeal has been admitted by this Court. Along with the appeal, the petitioner has filed this miscellaneous petition to suspend the sentence pending the appeal.

2.The learned counsel for the petitioner submits that PW1 and PW2 who are said to be the key witnesses to the incident, has not supported the case of the prosecution. The victim girl PW1 has turned hostile. Further the prosecution witnesses PW2 to PW6 have not supported the case of the prosecution. PW20 the Forensic Science Officer in his evidence though stated that the swab test reflected the semen traces, he admitted that it cannot be conclusively stated that the semen traces found in the swab are belonging to the accused. Therefore the forensic evidence is completely absent to incriminate the petitioner. The trial Court has failed to consider all these facts. The petitioner is in jail from 30.01.2024. Therefore, the learned Counsel prayed that the sentence be suspended pending the appeal.

3.The learned Government Advocate (Crl Side) submits that Pw1 has turned



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hostile. However the trial Court has considered all other materials, rightly found the petitioner guilty and imposed conviction on the petitioner. Therefore, he objects to suspend the sentence pending the appeal.

4.This Court considered the rival submissions made and perused the material placed on record.

5.Considering that the petitioner is having some arguable points in the main appeal and the appeal could not be taken up for final disposal immediately, this Court is inclined to suspend the sentence pending the criminal appeal.

6. Accordingly, this petition is allowed and 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 executing a bond for 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, Madurai and the petitioner shall report before the trial Court daily.

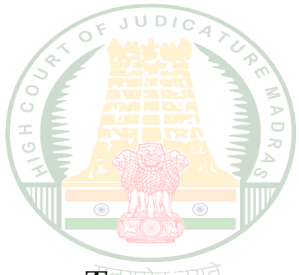
sd/-
28/02/2025

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04/03/2025
Sub-Assistant Registrar (AE)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK

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



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To
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- 1.The Sessions Judge, Mahila Court, Madurai.
 - 2.The Superintendent, Central Prison, Madurai.
 - 3.The Inspector of Police,
Anna Nagar Police Station,
Madurai City,
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai
- +1 CC to M/s.M.JERIN MATHEW, Advocate (SR-2242[I] dated 28/02/2025)

ORDER
IN
CRL MP(MD) NO. 10498 of 2024
IN
CRL A(MD)No.809 of 2024
Date :28/02/2025

RK/ (04/03/2025) 4P / 6C

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