



CRL MP(MD) NO. 13902 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. 13902 of 2024

in

CRL A(MD)No.1122 of 2024

Suryaprakash

S/o.Mottaiyandi, Kanavaipatti, Nilakottai Taluk,
Dindigul District.

Now Confined at Central Prison, Madurai.

...Petitioner

Vs

The State of Tamil Nadu

The Inspector of Police,

Batlagundu Police Station, Dindigul District.

...Respondent

Prayer: Petition filed under Section 430(1) of BNSS to suspend the sentence imposed against the petitioner in SplSC.No.214 of 2023, dated 11.11.2024 passed by Fast Track Court, Dindigul and enlarge the petitioner on bail pending disposal of the above appeal.

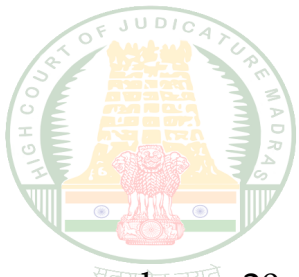
For Petitioner : Ms.P.Krishnaveni, Advocate

For Respondent: Mr.P.Kottaichamy,

Government Advocate (Crl Side)

ORDER

The petitioner / accused in SplSC.No.214 of 2022 on the file of the Mahila Court, Dindigul was found guilty, convicted and sentenced to undergo 7 years rigorous imprisonment with a fine of Rs.10,000/-, in default, to undergo 6 months simple imprisonment for the offence under Section 366 of IPC and sentenced to



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undergo 20 years rigorous imprisonment with a fine of Rs.10,000/-, in default, to undergo 6 months simple imprisonment for the offence under Section 6 of POCSO Act. As against the conviction, the petitioner has filed an appeal in CrIa(MD)No.1122 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 the victim girl in her chief examination has not supported the case of the prosecution and the cross examination shows that she has been tutored and 164(5) CrPC statement was recorded. The evidence of Doctor PW11 shows that there is no external injury on the victim girl and the evidence of the Scientific Officer PW9 shows that the swab test does not reveal any semen traces. Further the complainant / father of victim girl has stated that he, only signed in the paper, but he was not aware of the contents of the complaint. PW7 said to be the eye witness to the incident has not supported the case of the prosecution. The trial Court has failed to consider all these facts. The petitioner is in jail from 11.11.2024. Therefore, the learned Counsel prayed that the sentence be suspended pending the appeal.

3.The learned Government Advocate (Crl Side) submits that the trial Court has considered the evidence of the prosecution witnesses and the medical and forensic



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reports, rightly found the petitioner guilty and imposed conviction on the petitioner.

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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, Fast Track Mahila Court, Dindigul and the petitioner shall stay at Tiruppur and report before Tiruppur South Police Station daily at 10.30 am.

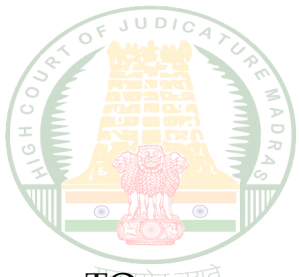
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28/02/2025

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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 मेव जयते

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1. THE SESSIONS JUDGE, FAST TRACK MAHILA COURT, DINDIGUL
 - 2 THE INSPECTOR OF POLICE,
BATLAGUNDU POLICE STATION, DINDIGUL DISTRICT.
 3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 4. THE INSPECTOR OF POLICE, TIRUPPUR SOUTH POLICE STATION, TIRUPUR
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- +2 CC to M/s.P.KRISHNAVENI, Advocate (SR-2240[I] dated 28/02/2025)

ORDER

IN

CRL MP(MD) NO. 13902 of 2024

in

CRL A(MD) No. 1122 of 2024

Date : 28/02/2025

RK/ (04/03/2025) 4P / 8C

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