



WEB COPY



Crl.M.P.No.2624 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.M.P.No.2624 of 2024
in Crl.A.No.181 of 2024

Ashraf Ali

... Petitioner

Vs.

1. The State by,
The Inspector of Police,
All Women Police Station,
Gudalur Police Station,
The Nilgiris.
(Crime No.3 of 2021)

2. Valarmathi

(R2 impleaded as per order dated 19.12.2024
in Crl.A.No.181 of 2024)

... Respondents

PRAYER: Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed on the petitioner in Spl.C.C.No.25 of 2021 on the file of the Mahalir Neethimandram (FTMC), Udthagamandalam, The Nilgiris, dated 29.12.2023 and release the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.J.Franklin

For R1 : Mr.J.R.Archana
Government Advocate (Criminal Side)



Crl.M.P.No.2624 of 2024

WEB COPY

ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence of imprisonment, imposed by the learned Sessions Judge, Mahalir Neethimandram (FTMC), Udthagamandalam, The Nilgiris, in Spl.C.C.No.25 of 2021, vide judgment dated 29.12.2023.

2. The conviction and sentence imposed against the petitioner/appellant, vide impugned judgment are as follows:-

<i>Under Section</i>	<i>Sentence</i>
451 of IPC	one year of rigorous imprisonment and a fine of Rs.500/-, in default, to undergo six months simple imprisonment.
7 r/w 8 of the Protection of Children from Sexual Offences Act, 2012	three years of rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo one year simple imprisonment
3(1)(w)(i) of the SC/ST (POA) Amendment Act, 2018	one year of rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo six months simple imprisonment
The sentences shall run concurrently.	

3. The submissions of the learned counsel appearing for the petitioner/appellant are as follows:-



WEB COPY

3.1 This Court, by an order dated 19.02.2024, had impleaded the *de facto* complainant as the second respondent and directed the petitioner/appellant to serve private notice on her. Though notice has been served on the second respondent and her name is printed in the cause list, there is no representation on her behalf.

3.2. The trial Court has suspended the sentence imposed on the petitioner/appellant and the appeal was filed in time. Thereafter, the petitioner was granted interim protection by this Court and the same was extended subsequently.

3.3. There are arguable points available in the Criminal Appeal, which is unlikely to be taken up for final hearing in the near future and the petitioner/appellant has a fair chance of succeeding in the appeal. Hence, the sentence imposed on the petitioner/appellant may be suspended and he may be enlarged on bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent opposed for grant of suspension of sentence stating that the trial Court, after taking into consideration the oral and documentary evidence produced by the prosecution, rightly found the petitioner/appellant guilty and convicted and sentenced him, as stated above. She further



Crl.M.P.No.2624 of 2024

submitted that this Court, vide order dated 19.02.2024, granted interim protection to the petitioner/appellant.

5. Heard the learned counsel for the petitioner/appellant and Government Advocate (Crl.Side) appearing for the first respondent and perused the materials on record.

6. Considering the facts and circumstances of the case and also the submissions made by the learned counsel on either side, this Court is inclined to suspend the sentence of imprisonment imposed on the petitioner. Accordingly, till the disposal of the appeal, suspension of sentence is granted to the petitioner/appellant, subject to the following conditions:-

“(i) The petitioner/appellant shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram (FTMC), Udhagamandalam, The Nilgiris;

(ii) The petitioner/appellant shall appear before the trial Court on the first working day of every English calendar month at 10.30 a.m., until further orders.”



Crl.M.P.No.2624 of 2024

WEB COPY

7. Accordingly, the Criminal Miscellaneous Petition stands ordered.

13.03.2026

ham

To

1. The Sessions Judge,
Mahalir Neethimandram (FTMC),
Udhagamandalam, The Nilgiris.
2. The Inspector of Police,
All Women Police Station,
Gudalur Police Station,
The Nilgiris.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.M.P.No.2624 of 2024

A.D.JAGADISH CHANDIRA, J.

ham

***Crl.M.P.No.2624 of 2024
in Crl.A.No.181 of 2024***

***13.03.2026
2/2***