



Crl.M.P.(MD)No.5999 of 2026

in Crl.A.(MD)No.344 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.04.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.5999 of 2026

in Crl.A.(MD)No.344 of 2026

Jafer Sadiq

... Petitioner

versus

State of Tamilnadu, Rep. by
The Inspector of Police,
Town North Police Station,
Dindigul.

... Respondent

Petition filed under Section 430(1) of BNSS to suspend the sentence and release the petitioner on bail against the Judgment in Sessions Case No.39 of 2020 on the file of the Fast Track Mahila Court, Dindigul, dated 08.01.2026 on such terms and conditions pending disposal of the Criminal Appeal before this Court.

For Petitioner : Mr.R.Venkatesan

For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)



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ORDER

The petitioner is the sole accused in S.C.No.39 of 2020 on the file of the Fast Track Mahila Court, Dindigul. He was tried for the offence under Sections 366, 376(2)(n) and 343 IPC that he had abducted the victim child aged about 15 years, confined her in a house for three days and thereafter, committed forcible sexual assault. After the trial, the trial Court, by its Judgment dated 08.01.2026, found the petitioner guilty for the offence under Sections 363 and 343 IPC and convicted and sentenced him as under:

Sl.No.	Sections	Punishment	Fine amount	Default
1.	363 IPC	three years rigorous imprisonment	Rs.5,000/-	Six months simple imprisonment
2.	343 IPC	one year rigorous imprisonment	Rs.1,000/-	three months simple imprisonment

Challenging the Judgment of conviction and sentence, the petitioner has filed a criminal appeal before this Court in Crl.A.(MD)No.344 of 2026 and the same has been admitted by this Court on 17.03.2026. Along with this appeal, the petitioners moved this petition seeking to suspend the sentence imposed by the trial Court.



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2. The learned counsel appearing for the petitioner submits that the complaint has been lodged as against the petitioner as if he has committed a grave offence, however, the victim girl has not stated anything before the trial Court. Even then, the trial Court found the petitioner guilty for the offence under Section 363 IPC and also convicted the petitioner for the offence under Section 343 IPC. Therefore, he seeks to suspend the sentence imposed by the trial Court.

3. The learned Government Advocate (Crl. Side) submits that since the petitioner has been convicted upto three years, the trial Court, by its order dated 08.01.2026, suspended the sentence for a period of 30 days. However, the petitioner has not obtained any order of extension and has not surrendered after the expiry of the period suspended by the trial Court. He further submits that the occurrence had taken place in the year 2005, however, the evidence was taken only in the year 2025. Therefore, the victim girl has not supported the case of the prosecution.



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4. Considering the gravity of offence and also considering the fact that the petitioner has not surrendered after the expiry of the interim suspension period, this Court is not inclined to suspend the sentence imposed by the trial Court.

5. Accordingly, this Criminal Miscellaneous Petition is dismissed. Consequently, Crl.M.P.(MD)No.6000 of 2026 filed by the petitioner seeking to exempt him from surrendering before the trial Court is also dismissed.

29.04.2026

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To

1. The Inspector of Police,
Town North Police Station,
Dindigul.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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B.PUGALENDHI, J.

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