



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Friday, the Third day of June Two Thousand Sixteen

PRESENT

**The Hon`ble Dr.Justice P.DEVADASS**

CRL MP (MD) No.4053 of 2016  
IN  
CRL A (MD) No.171 of 2016

S. NARAYANAMOORTHY

... PETITIONER

Vs

THE STATE REP. BY  
THE INSPECTOR OF POLICE  
KARUR ALL WOMEN POLICE STATION,  
KARUR.  
(CRIME NO. 22/2015)

... RESPONDENT

Prayer : Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the order of conviction dated 28.04.2016 passed in Special Sessions Case No. 4 of 2016 on the file of the Fast Track Mahila Court, Karur pending disposal of the above Criminal Appeal.

Prayer in Crl.A.(MD).No.171 of 2016 :

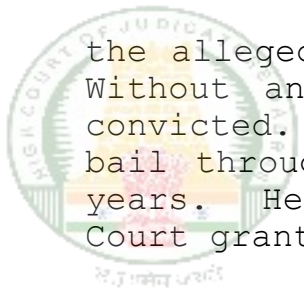
Memorandum of Criminal Appeal against the order dated 28.04.2016 passed in Special Sessions Case No.4 of 2016 on the file of the Fast Track Mahila Court, Karur (Crime No.22 of 2015 of Karur All Women Police Station). The charges were framed under Section 7, r/w.8 of POCSO Act, 2012.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.SARAVANAN, Advocate for the petitioner and of Mr.P.Kandasamy, Government Advocate (Crl.Side) on behalf of the Respondent and the court made the following order:-

The petitioner, who is accused in Spl.S.C.No.4 of 2016, on the file of the learned Sessions Judge, Fast Track Mahila Court, Karur, seeks appeal bail under Section 389(1) Cr.P.C.

2. The petitioner has been prosecuted under Section 7 r/w 8 of POCSO Act in the said Court; he was found guilty and sentenced to three years R.I. and fined Rs.1,000/- with default sentence. He has paid the fine amount.

3. The learned counsel for the petitioner would contend that the petitioner has been implicated in this case. Actually, P.W.1,



the alleged victim girl, did not tender any incriminating evidence. Without any concrete basis in the evidence, petitioner has been convicted. There is prima facie case in his favour. He was also on bail throughout the Trial Court proceedings. He is aged about 19 years. He will not abscond or flee away from justice. The Trial Court granted him interim bail.

4. The learned Government Advocate (Criminal Side) submitted that the petitioner had committed sexual violence on P.W.1, a minor girl. The Trial Court, relying on her evidence and other connected evidence, has rightly convicted the petitioner. There is no prima facie case in his favour.

5. I have anxiously considered the rival submissions, perused the impugned Judgment and referred to the evidence on record.

6. In view of the increased violence against women and children, POCSO Act has been brought in. It is a dangerous Act. It prescribes stringent punishments. In such circumstances, there is a duty called upon the Court to carefully scrutinize the evidence, when the offence is serious in nature. Courts are serious of proving such offence.

7. Now, in this case, P.W.1, who is stated to be the victim, during the relevant time, was about 13 years old. The accused was aged about 18 years. P.W.1's father is running a Cycle Tyre Puncture Shop. He seems to be indulged in selling Hans, which is known as "Mava" in Madras. At that time, according to P.W.1, the accused has sexually abused her.

8. In this connection, the learned counsel for the petitioner read the evidence of P.W.1 and submitted that there is no clear cut incriminating evidence against the petitioner.

9. However, the learned Government Advocate (Criminal Side) had submitted that the petitioner had approached P.W.1 with lustful feeling and made lewd utterances. This is all in her the chief-examination. Very many legal aspects and issues have been raised. They are required to be examined in detail in the main appeal. It will take sometime for the disposal of this appeal. Further, the petitioner was on bail throughout the trial proceedings. There is no allegation that he will abscond or flee away from justice. Thus, I find prima facie case in favour of the petitioner.

10. In the circumstances, ordered as under:

(i) Appeal bail is granted to the petitioner.

(ii) Sentence of imprisonment alone is suspended.

(iii) There shall be two sureties, they shall be his parents and each will execute a bond for Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Additional Sessions Judge, Fast Track Mahila Court, Karur.



(iv) The petitioner shall appear before the Court as and when so ordered by the Court.

sd/-  
03/06/2016

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/ TRUE COPY /

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

To

1. The Additional Sessions Judge,  
Fast Track Mahila Court, Karur.
2. The Government Advocate (Criminal Side),  
Madurai Bench of Madras High Court, Madurai.
3. The Inspector of Police, All Women Police Station, Karur.

+1. C.C. to M/S.R.SARAVANAN Advocate SR.No.27737

krk

JM/GSV-PM/SAR-I/06.06.2016/3P-5C

ORDER  
IN  
CRL MP (MD) No.4053 of 2016  
IN  
CRL A (MD) No.171 of 2016  
Date :03/06/2016