



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

Monday, the Twenty Third day of April Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.3179 of 2018

IN

CRL A(MD) No.197 of 2018

ALAGU @ ALAGARSAMY,

... PETITIONER/APPELLANT/SOLE ACCUSED

Vs

STATE REP BY

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MADURAI TOWN, MADURAI CITY.
(CRIME NO.9/2016)

... RESPONDENT/RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to suspend the sentence imposed by the Learned Additional District and Sessions Judge (Mahila Court), Madurai in Spl.S.C.6 of 2017 dated 20.02.2018 and enlarge the Petitioner/Sole Accused on bail, pending disposal of the above Criminal Appeal and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.MAYA PERUMAL, Advocate for the petitioner and of MR.K.SUYMABULINGA BHARATHI, Government Advocate(Crl.side) on behalf of the Respondent the court made the following order:-

Petitioner is represented by Mr.S.Maya Perumal, learned counsel and the State is represented by Mr.K.Sumbulinga Bharathi, learned Government Advocate.

2.The petitioner has filed this appeal to suspend the sentence imposed by the learned Additional District and Sessions Judge (Mahila Court), Madurai in Spl.S.C.No.6 of 2017 dated 20.02.2018, sentencing the petitioner to undergo rigorous imprisonment for a period of 7 years and to pay a fine of Rs.5,000/-. In default of payment of fine to undergo further simple imprisonment for a period of 1 year under Section 4 of POCSO Act.

3.The offence against the petitioner is that one week prior to 10.06.2016, there was a Temple festival at Avaniyapuram, M.M.C. Colony, Madurai. On 16.06.2016 at about 04.30 p.m., the victim girl, who was studying first standard was playing in front of the



Temple. The petitioner approached her at about 05.30 p.m., offering her some chocolate, sexually assaulted the 6 year old child.

4. On the side of the petitioner, it is stated that the conviction of the appellant is solely on the basis of the evidence of the victim girl and other witnesses were not supporting the case of the prosecution. In the deposition of the Doctor, it is stated that there is no injuries upon the body of the victim girl and the victim girl has deposed that she was tutored by her mother to give evidence and it is further stated that the appellant is having reasonable ground for re-considering the judgment of the trial Court and prayed for suspension of sentence till the appeal is over.

5. On the side of the respondents, the learned Government Advocate has stated that the petitioner is 66 years old man and the victim child is only 6 years old and by just offering chocolate, the petitioner indulged in sexual assault with the 6 years old child. He has further argued that P.W.1 and P.W.3 to P.W.5, gave evidence, which corroborate each other and the trial Court is right in convicting the appellant.

6. Records perused.

7. The victim girl is only 6 years old and the offence is serious in nature. Whether the petitioner is eligible for acquittal is to be considered only in the appeal. At this stage, there is no sufficient ground to consider the suspension petition and this Court is not inclined to suspend the sentence imposed by the trial Court at this stage. Hence, this petition is dismissed.

8. The Registry is directed to call for the records and prepare the typed set of papers.

9. Call the main appeal for arguments after six weeks.

sd/-
23/04/2018

/ TRUE COPY /

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

TO

1 THE ADDITIONAL DISTRICT AND
SESSIONS JUDGE (MAHILA COURT),

<https://hcservices.courts.gov.in/hcservices/>

MADURAI



2 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MADURAI TOWN,
MADURAI CITY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

Copy to:

THE SECTION OFFICER,
CRIMINAL SECTION (RECORDS)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

ORDER
IN
CRL MP (MD) No.3179 of 2018
IN
CRL A (MD) No.197 of 2018
Date :23/04/2018

SMA/PMI/GSR/03.05.2018:2P/6C