



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

Wednesday, the Twenty Ninth day of July Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.2984 of 2020
IN
CRL A(MD) No.155 of 2020

VISWASAM

... PETITIONER/APELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.
CRIME NO.19/2015

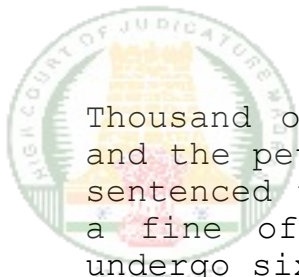
... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed on the petitioner by the learned Special Judge, (Protection of Children From Sexual Offences Cases), Virudhunagar District at Srivilliputhur in Spl.S.C.No.16 of 2016 by the judgment dated 09/03/2020 and enlarge the petitioner on bail pending disposal of the above 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 Mr.N.PRAGALATHAN, Advocate for the petitioner and of Mr.K.DINESH BABU, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Special Judge, (Protection of Children from Sexual Offences Cases), Virudhunagar District, Srivilliputhur in Spl.C.C.No.16 of 2016 dated 09.03.2020, till the disposal of the appeal.

2.The case against the petitioner is that the petitioner was convicted under Section 342 of IPC and was sentenced to undergo 1 year simple imprisonment and also imposed a fine of Rs.5,000/- (Rupees Five Thousand only) in default to undergo three months simple imprisonment and the petitioner was convicted under Section 7 r/w. 8 of POSCO Act and was sentenced to undergo four years rigorous imprisonment and also imposed a fine of Rs.15,000/- (Rupees Fifteen



Thousand only) in default to undergo 9 months simple imprisonment and the petitioner was convicted under Section 506(i) of IPC and was sentenced to undergo two years simple imprisonment and also imposed a fine of Rs.5,000/- (Rupees Five Thousand only) in default to undergo six months simple imprisonment.

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3.On the side of the petitioner, it is stated that P.W.3, who is one of the victims, turned hostile. Only based on the evidence of P.W.2, the trial Court convicted the petitioner. It is further stated that there is a land dispute between the parties. Only on that motive, the false case is foisted against the petitioner and prayed for suspension of sentence imposed on the petitioner till the disposal of the appeal.

4.On the side of the prosecution, it is stated that the accused is a neighbor of the victim. The victim refused to go to the petitioner's house for attending tuition. Then only the victim's parents came to know that the petitioner abused the girl and subsequently, another girl was also harassed by the petitioner. The statements of the victim girls were recorded by the learned Judicial Magistrate No.I, Virudhunagar under Section 164 Cr.P.C. Four material objects were marked. Based on the documentary evidence and medical reports, the trial Court rightly convicted the petitioner. The case was proved by the prosecution beyond reasonable doubts and objected to grant the suspension of sentence to the petitioner.

5.The offence against the petitioner is severe in nature. The case against the petitioner is that he misbehaved with two minor girls. The judgment was pronounced only on 09.03.2020.

6.In the above circumstances, considering the seriousness of the offence committed by the petitioner, this Court is not inclined to grant suspension of sentence imposed on the petitioner. Hence, this petition is dismissed.

sd/-
29/07/2020

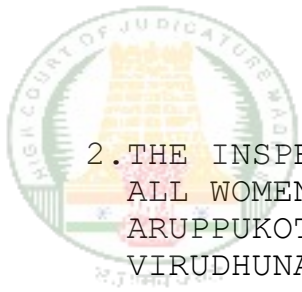
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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE SPECIAL JUDGE,
(PROTECTION OF CHILDREN FROM
SEXUAL OFFENCES CASES),
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

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



2.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.

3.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

ORDER
IN
CRL MP (MD) No.2984 of 2020
IN
CRL A (MD) No.155 of 2020
Date :29/07/2020

MRN
TK/VR/SAR.3/31.07.2020/3P/5C