



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

Friday, the Fifth day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.1261 of 2021
in Crl.A.(MD).No.124 of 2020

VEERAMANI

... APPELLANT/ SOLE ACCUSED

-Vs-

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ARANTHANGI, PUDUKKOTTAI DISTRICT.
CRIME NO.1/2018

... RESPONDENT/ COMPLAINANT

PRAYER IN CRL MP(MD) No.1261 of 2021:

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the Sentence of Imprisonment imposed by the learned Sessions Judge(FAC), Mahila Court, Pudukkottai in Spl.S.C.No.3 of 2018 dated 27.02.2020 and enlarge the petitioner or appellant on bail, pending disposal of the above said Criminal Appeal.

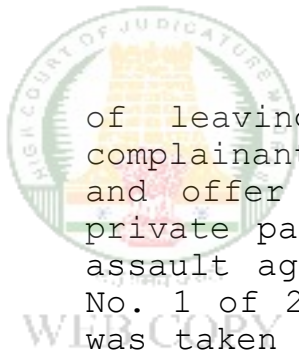
PRAYER IN Crl.A.(MD).No.124 of 2020:

To set aside the judgment and conviction dated 27.02.2020 by the learned Sessions Judge(FAC), Mahila Court, Pudukkottai in Spl.S.C.No.3 of 2018 and acquit the Appellant.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.D.RAMESHKUMAR, Advocate for the petitioner and of Mrs.S.BHARATHI, Government Advocate on behalf of the Respondent, the court made the following order:-

The petitioner filed this petition to suspend the sentence imposed on the petitioner by the the Sessions Judge, (FAC), Mahila Court, Pudukkottai, dated 27.02.2020 made in Spl.S.C.No.3 of 2018 and to enlarge the petitioner / appellant on bail, pending disposal of the Criminal Appeal.

2.The allegation against the petitioner is that on 02.03.2014, when the defacto complainant was carrying her daughter from the bus stop, she sought for the help of the petitioner to take her daughter / victim in his bi-cycle and drop at Chellappa Petti Shop. Instead



of leaving at the petti shop situated near the house of the defacto complainant, the petitioner carried the child / victim in his cycle and offer some candy to the child and caused injuries to the private parts of the victim child and committed penetrative sexual assault against the victim aged about 3 ½ years. A case in Crime No. 1 of 2018 was registered by the respondent police and the case was taken on file as Spl.S.C.No.3 of 2018 by the Sessions Judge, (FAC), Mahila Court, Pudukkottai. The Sessions Judge, (FAC), Mahila Court, Pudukkottai, found the petitioner guilty under Section 5 (m) r/w. Section 6 of POCSO Act and he was sentenced to undergo ten years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo a further period of one month simple imprisonment. Against the conviction and sentence, the petitioner filed an Appeal in Crl.A.(MD)No.124 of 2020. Along with the appeal, he has filed the present application for suspension of sentence pending disposal of the said appeal.

3.On the side of the petitioner, it is stated that the evidence of the defacto complainant clearly reveals that the accused was not a known person and the defacto complainant did not know the accused and also she did not know the house of the accused. There is no possibility for her to leave the child with an unknown person. There is some discrepancy regarding the complaint. There is delay in lodging the complaint and the petitioner is a 73 years old man, having physical ailments and prayed the sentence to be suspended.

4.On the side of the respondent, it is stated that the offence against the petitioner is grievous in nature and he committed penetrative sexual assault against a child aged about 3 ½ years child, who was left in his custody. The defacto complainant has to walk 1 ½ Km from the bus stand to reach her house, that is the reason for asking the help of the accused for dropping her child in a known petti shop. The prosecution has examined 10 witnesses and marked 11 documents. Evidence of P.W.7/ Doctor reveals the injury in the private parts of the victim child and the prosecution has proved the case beyond all reasonable doubts and prayed the petition to be dismissed.

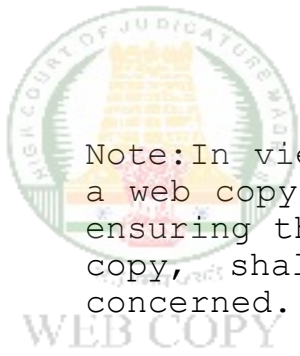
5.It is seen that the judgment was pronounced on 27.02.2020. The offence is serious in nature. The petitioner is taking treatment in the Government hospital itself. In the above circumstances, this Court is not inclined to suspend the sentence. Hence, this Petition is dismissed.

sd/-
05/03/2021

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/ /2021

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



Note: In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

- 1 THE SESSIONS JUDGE (FAC),
MAHILA COURT, PUDUKKOTTAI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ARANTHANGI, PUDUKKOTTAI DISTRICT.
- 3 THE DEAN,
MEDICAIL COLLEGE HOSPITAL, PUDUKKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL MP(MD) No.1261 of 2021 in
Crl.A.(MD).No.124 of 2020
Date :05/03/2021

LS

MS/PN/SAR-2/17.03.2021/3P.5C