



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

Friday, the Twelfth day of November Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

Crl.M.P.(MD)No.9580 of 2021
in
Crl.A.(MD)No.427 of 2021

KARUPPAMMAL ... PETITIONER/ PETITIONER / 2nd APPELLANT

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION (SOUTH),
MADURAI CITY.
CRIME NO.15 OF 2015.

... RESPONDENT/ COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to modify the condition imposed on the Petitioner in Crl.MP.(MD).No.8430/2021 in Crl.A.(MD).No.427/2021 dt.21.10.2021 in so far as it relates to appearance of the Petitioner before the Respondent police daily at 10.30 AM for a period of 4 weeks.

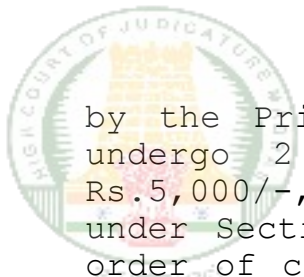
PRAYER IN CRL A(MD) No.427 of 2021:

To call for the records relating to the judgment dated 15.09.2021 passed in SC.No.17 of 2016 on the file of the Principal Special Court for exclusive trial of cases under POCSO Act, Madurai and set aside the same in so far as it relates to the appellants and allow this appeal.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.K.SAMIDURAI, Advocate for the petitioner and of MR.K.SANJAY GANDHI, Government Advocate on behalf of the Respondent, the court made the following order:-

The petitioner filed this petition to modify the condition imposed in Crl.M.P.(MD)No.8430 of 2021 in Crl.A.(MD)No.427 of 2021, dated 21.10.2021.

2. A case under the POCSO Act was registered against the petitioner and the same was taken on file in S.C.No.17 of 2016 on the file of the Principal Special Court for Exclusive Trial of cases under POCSO Act, Madurai. The petitioner was found guilty



by the Principal Special Court, Madurai and he was sentenced to undergo 2 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo further period of six months under Section 10 of Prohibition of Child Marriage Act. Against the order of conviction, the petitioner and another filed an Appeal in Crl.A.(MD)No.427 of 2021. Along with the appeal, she has filed a petition for suspension of sentence in Crl.M.P.(MD)No.8430 of 2021. That petition was allowed by this Court, on 21.10.2021 on certain conditions. The petitioner has filed this petition, to modify the condition No.(iii).

3. On the side of the petitioner, it is stated that the petitioner is complying the condition regularly. The condition is to appear before the respondent police every day at 10.30 a.m., The petitioner is a resident of Theni and she is suffering from Arthritis disease and she is not able to travel by bus to fulfil the condition and prayed the condition to be modified, so that the petitioner can appear before the Police Station in Uthamapalayam.

3. The learned Government Advocate (criminal side) fairly admitted that the petitioner is complying with the condition regularly.

4. In view of the above, this Court is inclined to modify the condition. Hence, the condition No.(iii) imposed by this Court in Crl.M.P.(MD)No.8430 of 2021 in Crl.A.(MD)No.427 of 2021, dated 21.10.2021, is modified to the effect that the petitioner is directed to appear before the Uthamapalayam Town Police Station, Uthamapalayam, daily at 10.30 am., for a period of four weeks ie. till 21.11.2021. This petition is allowed accordingly.

sd/-
12/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 PRINCIPAL SESSIONS JUDGE FOR
EXCLUSIVE TRIAL OF CASES,

[https://hcservices.mca.gov.in/Service/Case/Details/CaseDetails.aspx?CaseNo=9580&CaseType=Crl.M.P.\(MD\)No.9580 of 2021](https://hcservices.mca.gov.in/Service/Case/Details/CaseDetails.aspx?CaseNo=9580&CaseType=Crl.M.P.(MD)No.9580 of 2021), MADURAI,



2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION (SOUTH), MADURAI CITY.

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

COPY TO:

THE INSPECTOR OF POLICE,
UTHAMAPALAYAM TOWN POLICE STATION,
UTHAMAPALAYAM,

+1. C.C. to MR.K.SAMIDURAI, Advocate SR.No.8028.

ORDER

IN

Crl.M.P.(MD)No.9580 of 2021
in Crl.A.(MD)No.427 of 2021

Date :12/11/2021

Ls

MK/PN/SAR.IV/15.11.2021/3P/6C