



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

Tuesday, the Sixteenth day of November Two Thousand and Twenty One
PRESENT

The Hon`ble Mrs.Justice R.THARANI

WEB COPY

CRL MP(MD) No.9708 of 2021

IN

CRL A(MD)No.477 of 2021

PANDIDURAI

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PUDUKKOTTAI ALL WOMEN POLLICE STATION,
PUDUKKOTTAI DISTRICT.
(IN CRIME NO.18/2019)

... RESPONDENT/RESPONDENT

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 and grant bail to the petitioner/appellant convicted in Speical S.C.No.4 of 2020 dated 29/10/2021 by the Learned Sessions Judge, Family Court(Full Additional Charge)Mahila Court, Pudukkottai pending disposal of the main Appeal.

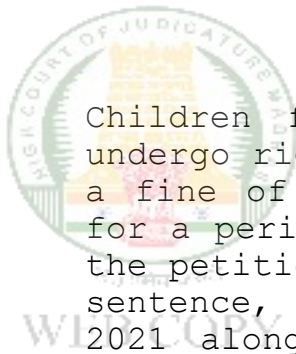
PRAYER IN CRL A(MD)No.477 of 2021:

To call for the records and allow this appeal and acquit the appellant from the charges by setting aside the impugned Judgment passed by the Learned Sessions Judge, Family court,(Full Additional Charge) Mahila Court, Pudukkottai in Special S.C.No.4 of 2020 dated 29.10.2021.

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.C.ARULVADIVEL @ SERKAR, Advocate for the petitioner and of Mr.K.SANJAI GANDHI, Government Advocate on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the Sessions Judge, (Full Additional Charge) Mahila Court, Pudukkottai, in Spl.S.C.No.4 of 2020, dated 29.10.2021.

2. The case against the petitioner is that the petitioner sexually harassed a 12 years old minor girl. A case in Crime No.18 of 2019 was registered against the petitioner under Sections 11(i), 11(iv) r/w 12 of Protection of Children from Sexual Offences (POCSO) Act, 2012 and Section 506(ii) IPC and the same was taken on file as Spl.S.C.No.4 of 2020 on the file of the of the Sessions Judge, (Full Additional Charge) Mahila Court, Pudukkottai. After trial, the Sessions Judge, (Full Additional Charge) Mahila Court Pudukkottai, found the petitioner guilty under Section 12 of Protection of



Children from Sexual Offences (POCSO) Act and sentenced him to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.30,000/-, in default, to undergo simple imprisonment for a period of one year. The trial Court suspended the sentence of the petitioner for a period of one month. Against the conviction and sentence, the petitioner has filed an appeal in CrI.A.(MD)No.477 of 2021 along with the appeal the petitioner has filed the present petition for suspension of sentence.

3. On the side of the petitioner, it is stated that the petitioner was enjoying bail throughout the trial and the sentence was also suspended by the trial Court. There are much more points for consideration in the main appeal and prayed the sentence to be suspended.

4. On the side of the prosecution, it is stated that the age of the victim is only 12 years old. Due to the sexual harassment of the petitioner, the victim consumed poison and the offence is against Society. The prosecution has examined 7 witnesses and marked 12 documents and the prosecution has proved the case beyond all reasonable doubts and prayed the petition to be dismissed.

5. Considering the facts and circumstances of the case and considering the fact that the petitioner was enjoying the bail throughout trial and the trial Court has suspended the sentence, this Court is inclined to suspend the sentence on the following conditions:-

(i)the petitioner is directed to execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Sessions Judge, (Full Additional Charge) Mahila Court, Pudukkottai;

(ii)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(iii)the petitioner shall appear before the Sessions Judge, (Full Additional Charge) Mahila Court, Pudukkottai, **daily at 10.30 a.m.**, until further orders.

sd/-
16/11/2021

/ TRUE COPY /

/ /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,
FAMILY COURT (FULL ADDITIONAL CHARGE)
MAHILA COURT, PUDUKKOTTAI.
- 2 THE INSPECTOR OF POLICE
PUDUKKOTTAI ALL WOMEN POLLICE STATION,
PUDUKKOTTAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.ARULVADIVEL@SERKAR.C, Advocate SR.No.8145

ORDER

IN

CRL MP(MD) No.9708 of 2021

IN

CRL A(MD)No.477 of 2021

Date :16/11/2021

SA/VR/SAR.3/18.11.2021/3P/5C