



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

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

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.10429 of 2021

IN

CRL A(MD)No.212 of 2021

BALAMURUGAN @ BALU

... PETITIONER/PETITIONER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ALANGUDI,
PUDUKKOTTAI DISTRICT.
(CRIME NO. 7/2019)

... 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 of Imprisonment imposed by the learned Sessions Judge, Mahila court, Pudukkottai in Spl S.C.No.5 of 2020 by the Judgment dated 16.04.2021 and enlarge the petitioner / Appellant on bail, pending disposal of the above said Criminal Appeal.

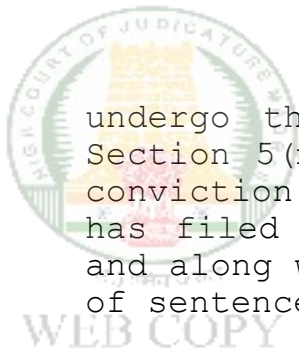
PRAYER IN CRL A(MD)No.212 of 2021:

To set aside the Judgment and Conviction dated 16.04.2021, by the learned Sessions Judge, Mahila Court, Pudukkottai in Spl.S.C.No.5 of 2020 and acquit the appellants.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.RAMESHKUMAR.D, Advocate for the petitioner and of Mr.K.SANJAY 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 learned Sessions Judge, Mahila Court, Pudukkottai, in Spl.S.C.No.5 of 2020 dated 16.04.2021, till the disposal of the appeal.

2.The case against the petitioner is that the petitioner has committed sexual assault against the child aged about four years. A case was registered in Crime No.7 of 2019 against the petitioner. The case was taken on file as Spl.S.C.No.5 of 2020. After trial, the trial Court found the petitioner guilty and convicted the petitioner and sentenced him to undergo ten years imprisonment and to pay a fine of Rs.25,000/- (Rupees Twenty Five Thousand only) in default to



undergo three months rigorous imprisonment for the offence under Section 5(m) of the POCSO Act r/w. 6 of the POCSO Act. Against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in Crl.A.(MD)No.212 of 2021 before this Court and along with the appeal, he has filed this petition for suspension of sentence.

3.On the side of the petitioner, it is stated that the petitioner has enjoyed bail throughout the trial. The petitioner is in custody from the date of judgment i.e., for the past six months. There are sufficient points for arguments for consideration in the appeal and prayed the sentence to be suspended till the disposal of the appeal.

4.On the side of the prosecution, it is stated that the petitioner is the sole accused in the case. The earlier petition filed by the petitioner was dismissed on 20.09.2021. The victim is four years old child. The accused is 30 years old. The offence is serious in nature and is against the society. The prosecution has examined seven witnesses and marked 12 documents and one material object and proved the case beyond all reasonable doubts and prayed the petition to be dismissed.

5.Considering the age of the victim and considering the seriousness of the offence, which is against the society, this Court is not inclined to grant suspension of sentence to the petitioner at present. This petition is dismissed.

sd/-

30/11/2021

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/ /2021

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

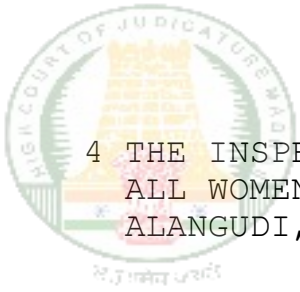
Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

1 THE SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI.

2 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY

3 THE OFFICER INCHARGE,
SUB JAIL, ARANTHANGI.



4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ALANGUDI, PUDUKKOTTAI DISTRICT.

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

ORDER

IN

CRL MP (MD) No.10429 of 2021
IN

CRL A (MD) No.212 of 2021

Date :30/11/2021

SA/PN/SAR.2/07.12.2021/3P/6C