



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

Monday, the Twenty Fourth day of January Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.871 of 2022

IN

CRL A(MD) No.277 of 2021

M.NACHIMUTHU

... PETITIONER/APPELLANT/
SOLE ACCUSED

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
CUMBUM SOUTH POLICE STATION,
THENI DISTRICT.
CR.NO. 188 OF 2019.

... RESPONDENT/RESPONDENT/
COMPLAINANT

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 imposed on the Petitioner by the Learned Sessions Judge, (Mahalir Fast Track Court), Theni by Judgment in Spl.SC.No.47 of 2019 dated 22.4.2021 and enlarge him on bail pending disposal of the Criminal Appeal.

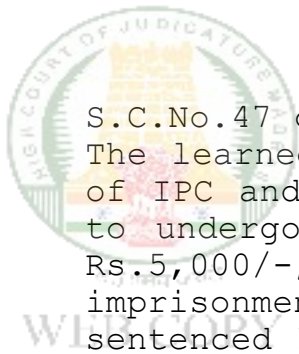
PRAYER IN CRL A(MD) No.277 of 2021:

Pleased to take this Appeal on file and call for the entire records in connection with judgment of the learned Fast Track mahila Court, Theni dated 22.04.2021 in Spl.S.C.47 of 2019 and set-a-side the conviction and sentence imposed on the Appellant.

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.JEGADEESH PANDIAN.M, 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, (Mahalir Fast Track Court), Theni, in S.C.No.47 of 2019 dated 22.04.2021, till the disposal of the appeal.

2.The allegation against the petitioner is that he misbehaved with the minor girl. A case in Crime No.188 of 2019 was registered against the petitioner and the same was taken on file as Spl.



S.C.No.47 of 2019 on the file of the Fast Track Mahila Court, Theni. The learned Judge found the petitioner guilty under Sections 506(i) of IPC and Section 10 of POCSO Act and convicted and sentenced him to undergo five years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo further period of one year simple imprisonment for the offence under Section 10 of POCSO Act and sentenced him to undergo six months rigorous imprisonment for the offence under Section 506(i) of IPC. Against the conviction and sentence, the petitioner has preferred an appeal in CrI.A.(MD)No.277 of 2021. Along with the appeal, the petitioner has filed a petition in CrI.M.P.(MD)No.4571 of 2021 for suspension of sentence and the same was dismissed by this Court, by an order dated 11.08.2021. Again the petitioner has filed the present petition for suspension of sentence pending disposal of the said appeal.

3.On the side of the petitioner, it is stated that there was no allegation of sexual assault in the earlier statement recorded from the defacto complainant. The petitioner is in custody for the past nine months. Considerable portion of the incarceration was already over 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 earlier petition was dismissed on 11.08.2021 and there is no change of circumstances. The victim is a seven years old child. The petitioner was 36 years old at the time of occurrence. He has injured the victim girl. The offence is serious in nature and against the Society. The prosecution has examined nine witnesses and marked eight documents and proved the case beyond all reasonable doubts and prayed the petition to be dismissed.

5.Considering the fact that the petitioner is a close relative of the victim and considering the serious nature of the offence, this Court is not inclined to grant suspension of sentence to the petitioner at the present stage. This Criminal Miscellaneous Petition is dismissed.

sd/-

24/01/2022

/ TRUE COPY /

/ /2022

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

TO

1 THE SESSIONS JUDGE,
(MAHALIR FAST TRACK COURT), THENI.

2 THE INSPECTOR OF POLICE
CUMBUM SOUTH POLICE STATION, THENI 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.871 of 2022
IN
CRL A (MD) No.277 of 2021
Date :24/01/2022

SS/JM/SAR-II/04.02.2022 : 2P/5C