



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

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

PRESENT

**The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN**

CRL MP(MD) No.3932 of 2022  
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.  
(CR.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 Special Sc.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:**

Pleased 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 MR.D.RAMESHKUMAR, Advocate for the petitioner and of M/S.M.AASHA, Government Advocate (Criminal Side) on behalf of the Respondents the court made the following order:-

This Criminal Miscellaneous Petition is filed to grant suspension of sentence imposed by the learned Sessions Judge, Mahila Court, Pudukkottai, dated 16.04.2021, in Spl. SC No.05 of 2020 and enlarge the petitioner/accused on bail pending disposal of the criminal appeal.

2.According to the prosecution, the accused committed penetrative sexual assault on the minor victim.



3.The trial court, after proper appreciation of the entire materials available on record, both oral and documentary found the petitioner/accused guilty under section 5(m) r/w 6 of Protection of Children from Sexual Offence Act, 2012 and sentenced him to undergo Rigorous Imprisonment for 10 years and to pay a fine of Rs.25,000/-, in default to undergo Simple Imprisonment for 3 months. Aggrieved by the judgment of the trial court, the appellant/accused is before this court. Along with appeal, this petition has been filed seeking suspension of sentence.

4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

5.The learned Government Advocate (Crl.Side) appearing for the State/respondent submitted that after proper appreciation of the facts and circumstances of the case, the trial court has rightly convicted the petitioner/accused. Though, this is the third petition, prays for dismissal of this petition.

6.Though this is the third petition, there is no change in circumstances and considering the nature of heinous offence committed by the petitioner, this Court is not inclined to grant suspension of sentence to the petitioner.

7.In fine, this Criminal Miscellaneous Petition is dismissed.

sd/-

25/03/2022

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/ /2022

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

TO

- 1 THE SESSIONS JUDGE,  
MAHILA COURT, PUDUKKOTTAI.
- 2 THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION,  
ALANGUDI,  
PUDUKKOTTAI DISTRICT.
- 3 THE OFFICER INCHARGE,  
SUB JAIL, ARANTHANGI,



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

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ORDER  
IN  
CRL MP (MD) No.3932 of 2022  
IN  
CRL A (MD) No.212 of 2021  
Date :25/03/2022

PKP/SBN/SAR-4/30.03.2022/3P/5C