



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

Wednesday, the Thirtieth day of March Two Thousand and Twenty Two
PRESENT

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

WEB COPY

CRL MP(MD) No.4149 of 2022

IN

CRL A(MD) No.253 of 2022

RAJESH

(NOW CONFINED AT

CENTRAL PRISON PALAYAMKOTTAI)

... PETITIONER/APPELLANT

Vs

THE STATE REP BY,

THE INSPECTOR OF POLICE

THISAYANVILAI POLICE STATION,

TIRUNELVELI DISTRICT.

(CR.NO.372/2018)

... 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 imposed on the appellant made in Judgment dated 03.03.2022 in special CC.No.244/2019 on the file of the Learned Spl.Judge for POCSO Act cases Tirunelveli and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

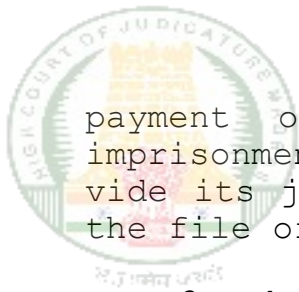
Prayer in CRL A(MD)No.253 OF 2022:

To call for the records relating to the Judgment dated 03.03.2022 made in Special C.C.No. 244 of 2019 on the file of the Learned Speial Judge for POCSO Act cases, Tirunelveli and set aside the same.

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.V.ANGUSAMY, Advocate for the petitioner and of M/S.AASHA, Government Advocate (Criminal Side) on behalf of the Respondent, While admitting the Criminal Appeal, the court made the following order:-

This petition has been filed to suspend the sentence imposed on the appellant made in Judgment dated 03.03.2022 in Special CC No.244 of 2019 on the file of the learned Special Judge for POCSO Act Cases, Tirunelveli and enlarge the appellant on bail.

2. The appellant has been convicted and sentenced under Section 363 of IPC to undergo three years rigorous imprisonment and to pay a fine of Rs.10,000/- and in default of payment of such fine sentenced to undergo six months rigorous imprisonment. The trial Court further sentenced the appellant to undergo three years rigorous imprisonment and to pay a fine of Rs.15,000/- in default of



payment of fine sentenced to undergo six months rigorous imprisonment for the offence under Sections 7r/w. 8 of POCSO Act vide its judgment dated 03.03.2022 in Special CC No.244 of 2019 on the file of the Special Judge for POCSO Act Cases, Tirunelveli.

3. The learned counsel for the appellant would submit that the prosecutrix deposed before the Court that the appellant fell in love for the past two years and on 12.11.2018 they decided to go for getting married. Accordingly on her own she eloped with the appellant and stayed in his relative's house. The victim submission is very clear that the appellant only kissed her and there is no relationship between them.

4. However on perusal of the evidence of PW.8/Doctor who examined the victim girl found that there is evidence for physical relationship between the appellant and the victim girl. Further the date of judgment is very recent one and this Court is not inclined to suspend the sentence at present.

5. In the result, the petition stands dismissed.

sd/-
30/03/2022

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SPECIAL JUDGE,
FOR POCSO ACT CASES, TIRUNELVELI.

2 THE INSPECTOR OF POLICE
THISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT.
CENTRAL PRISON,
PALAYAMKOTTAI.

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

ORDER
IN
CRL MP(MD) No.4149 of 2022
IN
CRL A(MD) No.253 of 2022
Date :30/03/2022

aav

<https://hccs.courts.gov.in/hccs/04.2022/2P/5C>