



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

Wednesday, the Thirteenth day of April Two Thousand and Twenty Two
PRESENT

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

CRL MP(MD) No.4719 of 2022
IN
CRL A(MD)No.53 of 2022

IRUDHAYADASAN

... APPELLANT/SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KANNIYAKUMARI ALL WOMEN POLICE STATION,
KANNIYAKUMARI DISTRICT.
CRIME NO.01/2016.

... 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 against the petitioner by the Judgement dt.29/7/2019 made in Special Sessions Case No.6/2017 on the file of the Court of Sessions(Fast Track Mahila Court),Kanniyakumari District at Nagercoil and grand bail to the petitioner.

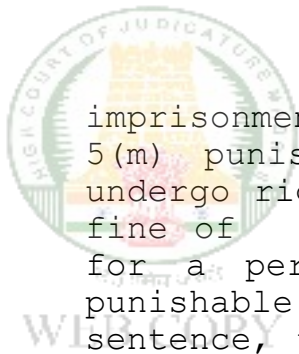
Prayer in Crl.A(MD)No.53 of 2022:

Pleased to call for the records pertaining to the Judgment Dated 29.07.2019 made in Special Sessions Case No.06 of 2017 on the file of the Court of Sessions (Fast Track Mahila Court), Kanniyakumari District at Nagercoil and set aside the same as illegal.

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.VINOTH BHARATHI.R, Advocate for the petitioner and of M/S.M.AASHA, Government Advocate(crl.side) on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Sessions Judge, Fast Track Mahila Court, Nagercoil in Spl.S.C.No.06 of 2017.

2.The petitioner involved in a case in Crime No.01 of 2016 under Sections 5(m), 5(n) and 6 of POCSO Act and the same was taken on file in Spl.S.C.No.06 of 2017 on the file of the learned Sessions Judge, Fast Track Mahila Court, Nagercoil. The learned Sessions Judge, Fast Track Mahila Court, Nagercoil found the petitioner guilty under Sections 5(m), 5(n) and 6 of POCSO Act and sentenced to undergo rigorous imprisonment for a period of 10 years and to pay a fine of Rs.25,000/-, in default to undergo rigorous



imprisonment for a period of one year for the offence under Section 5(m) punishable under Section 6 of POCSO Act and sentenced to undergo rigorous imprisonment for a period of 10 years and to pay a fine of Rs.25,000/-, in default to undergo rigorous imprisonment for a period of one year for the offence under Section 5(n) punishable under Section 6 of POCSO Act. Against the conviction and sentence, the petitioner filed an appeal before this Court in Crl.A (MD)No.53 of 2022. Along with this appeal, the petitioner has filed the present application for suspension of sentence, pending disposal of the said appeal.

3.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondent.

4.On perusal of evidence of PW1 to PW3, it is very clear that the petitioner committed heinous offence as against the victim girl. The victim girl is none other than the own grand daughter of the petitioner. Since the petitioner failed to make out *prima facie* case to suspend the sentence, this Court finds no ground to suspend the sentence imposed on the petitioner. Hence, this petition is dismissed.

sd/-

13/04/2022

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/ /2022

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
(FAST TRACK MAHILA COURT), KANNIYAKUMARI DISTRICT AT NAGERCOIL.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 3 THE INSPECTOR OF POLICE
KANNIYAKUMARI ALL WOMEN POLICE STATION, KANNIYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL MP(MD) No.4719 of 2022
IN

CRL A(MD)No.53 of 2022
Date :13/04/2022

SA/JM/SAR.2/27.04.2022/2P/5C

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