



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

Monday, the Eleventh day of April Two Thousand and Twenty Two

PRESENT

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

Crl.M.P(MD)No.4657 of 2022  
in  
Crl.A(MD)No.396 of 2021

MURUGAN

... APPELLANT / SOLE ACCUSED

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION,  
DINDIGUL, DINDIGUL DISTRICT.  
(CRIME NO.13/2018)

... 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 and release the petitioner on bail pending disposal of the main criminal Appeal before this Honourable Court against the judgement of the Honourable Sessions judge, Fast Track Mahila Court Dindigul in Spl.S.C.No.49/2018 dated 05.05.2021.

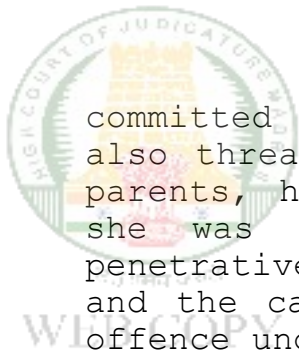
Prayer in Crl.A(MD)No.396 of 2021:

To call for the records connected with the judgment rendered by the Hon`ble Sessions Judge, Fast Track Mahila Court, Dindigul in Spl.S.C.No.49/2018 dated 05.05.2021 and set aside the same and consequently acquit 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 Mr.R.PRAKASH, Advocate for the petitioner and of M/S.M.AASHA, Government Advocate (Crl. Side) on behalf of the Respondent, While admitting the Crl.A., the court made the following order:-

The criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by the learned Sessions Judge, Fast Track Mahila Court, Dindigul in Special.S.C.No.49 of 2018, dated 05.05.2021.

2.The case of the prosecution is that while the victim girl as minor, aged about 11 years. On 02.09.2018, when she was returning from school, the petitioner had forcibly taken her and



committed penetrative sexual assault on the victim girl. She was also threatened by him that if she disclose the occurrence to her parents, he would kill her family members. Again, on 03.09.2018, she was taken to his hut and the petitioner had committed penetrative sexual assault. Thereafter, the complaint was lodged and the case has been registered in Crime No.13 of 2018, for the offence under Section 5(1)(m) r/w Section 6 of the POCSO Act.

3.The learned Counsel appearing for the petitioner would submit that the Doctor, who examined the victim girl was examined as PW.No.17. Accordingly, there was no injury on her breast and vagina and as such, there was no penetrative sexual assault.

4.On perusal of the statement recorded under Section 164 of Cr.P.C, the petitioner had committed very heinous offence as against the minor girl. Therefore, the petitioner has failed to make out any *prima-facie* case for grant of suspension of sentence. This Court is not inclined to entertain the criminal miscellaneous petition and the same is dismissed.

sd/-  
11/04/2022

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

TO

- 1 THE SESSIONS JUDGE,  
FAST TRACK MAHILA COURT, DINDIGUL.
- 2 THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION, DINDIGUL,  
DINDIGUL DISTRICT.
- 3 THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
Crl.M.P (MD)No.4657 of 2022  
in  
Crl.A (MD)No.396 of 2021  
Date :11/04/2022

lr  
MK/VR/SAR.I/13.04.2022/2P/5C

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