



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

Friday, the First day of April Two Thousand and Twenty Two

PRESENT

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

CRL MP(MD) No.5495 of 2021

IN

CRL A(MD) No.332 of 2021

MANIKANDAN

... ACCUSED/APPELLANT

Vs

THE INSPECTOR OF POLICE
JEEYAPURAM ALL WOMEN POLICE STATION,
TRICHY
CR.NO.7 OF 2017

... 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 conviction and sentenced ordered by the learned Sessions Judge, Mahila Court, Trichy made in Spl S.C.No.10 of 2019 dated 01/04/2019 pending disposal of the above criminal appeal.

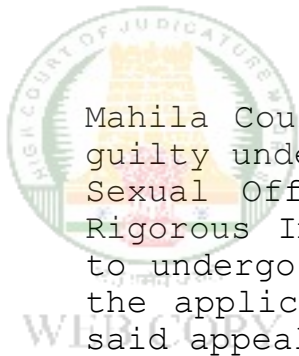
PRAYER IN CRL A(MD) No.332 of 2021:

Pleased to call for the records and set aside the judgment and conviction imposed by the learned Sessions Judge, mahila Court, Tiruchirappalli made in Spl.s.C.No.10 of 2019 dated 10.04.2021 and allow the above criminal appeal.

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.SOMASUNDARAM.E, Advocate for the petitioner and of Mr.A.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 in Spl.S.C.No.10 of 2019, dated 01.04.2021 by the learned Sessions Judge, Mahila Court, Tiruchirappalli.

2.The petitioner involved in a case in Crime No.7 of 2017 for the offence under Sections 5(j)(ii) r/w 6 of Protection of Children from Sexual Offences Act, 2012 and the same was taken on file in Spl.S.C.No.10 of 2019 on the file of the learned Special Judge,



Mahila Court, Tiruchirappalli. The trial Court found the petitioner guilty under Sections 5(j)(ii) r/w 6 of Protection of Children from Sexual Offences Act, 2012 and sentenced him to undergo 10 years Rigorous Imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo six months simple imprisonment. The petitioner has filed the application for suspension of sentence pending disposal of the said appeal.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

4. The petitioner is a friend of the cousin brother of the minor victim girl. He approached the minor victim girl with sweet coated words and had been tortured her for two years. He had physical intercourse with the minor victim girl for a long period under the false pretext of loving her and promising to marry her. In the month of March 2017, the petitioner had lured the minor victim girl to a groove behind her house and had sexual intercourse with her several times, which resulted, the minor victim girl became pregnant and it came to the knowledge of her family members. Thereafter, they lodged the complaint and the same has been registered in Crime No.7 of 2017 for the offence under Section 5(j)(ii) r/w 6 of Protection of Children from Sexual Offences Act, 2012. Thereafter, the minor victim girl delivered a male child and named as Kiruthick Roshan. Even then, the petitioner neglected to marry the victim and he faced charges. The prosecution examined 16 witnesses and marked Exs.P.1 to P.13. The testimony of the minor victim girl proves beyond doubt that the petitioner had sexual intercourse with the minor victim girl violating her body and the same has been recorded before the Magistrate under Section 164 of Cr.P.C. That apart, Ex.PW.13-DNA report of the child born to the minor victim girl establishes that the chances of the petitioner being the biological father of the minor girl is about 99%. Therefore, there is absolutely no possibility to succeed in the appeal. Therefore, this Court is not inclined to suspend the sentence. Accordingly, this petition is dismissed.

sd/-
01/04/2022

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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



TO

1 THE SESSIONS JUDGE,
MAHILA COURT, TRICHY.

2 THE INSPECTOR OF POLICE
JEEYAPURAM ALL WOMEN POLICE STATION, TRICHY

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

ORDER

IN

CRL MP(MD) No.5495 of 2021

IN

CRL A(MD) No.332 of 2021

Date :01/04/2022

SS/VR/SAR:IV/06.04.2022 : 3P/5C