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CRL MP(MD)



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

Wednesday, the Fourteenth day of September Two Thousand and
Twenty Two
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.9440 of 2022

IN

CRL A(MD) No.494 of 2022

PANDIYAN

... PETITIONER/APPELLANT/ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PANDHANALLUR POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO. 491/2021

... RESPONDENT/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 and conviction imposed on the petitioner by the Learned Sessions Judge, Special court for Exclusive Trial of cases under POCSO Act, Thanjavur in Special Sessions case No. 6 of 2021 by judgment dated 29.07.2022 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

Prayer in Crl.A(MD).494/2022:

Pleased to call for the Records and set aside the judgment dated 29.07.2022 made in SPECIAL S.C.No.6 of 2021 on the file of the Learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur 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.HITESH KUMAR.C, Advocate for the petitioner and of Mr.SS.MADHAVAN, Government Advocate(crl.side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed against the petitioner in Spl S.C.No.6 of 2021, dated 29/07/2022 by the Sessions Judge, the Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur and enlarge the petitioner on bail pending disposal of the criminal appeal.

2.The petitioner was facing the charge for the offence under section 361 r/w 363 IPC and he was found guilty and sentenced to undergo 5 years R/I and imposed a fine of Rs.5,000/- with default clause. Challenging the above said sentence, criminal appeal has been preferred before this court. Pending appeal, this miscellaneous petition has been filed by the petitioner.

3.Reading of the statement of the victim shows that the petitioner appears to have made pressure and force and intimidation

<https://www.mhc.tn.gov.in/judis>



to the victim to love him. The victim girl during the course of evidence has denied the statement that she only voluntarily went out of the house with the petitioner. That was denied by her, even suggestion was made to the effect that she was loving the petitioner. That was also denied.

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4. As per the case of the prosecution, the victim is aged 15 + at the time of the occurrence. This is not the age to choose the life partner. As per the complaint, the case was registered under sections 361 and 363 IPC, but later it was altered to 366(A) IPC. But however, sentence was imposed under sections 361 and 363, instead of 366(A) IPC. Since the judgment is of very recent date, this court is not inclined to suspend the sentence and enlarge the petitioner on bail.

5. In the result, this criminal miscellaneous petition is **dismissed**.

sd/-

14/09/2022

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

TO

- 1 THE SESSIONS JUDGE
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, THANJAVUR.
- 2 THE SUPERINTENDENT
CENTRAL PRISON, TIRUCHIRAPPALLI.
- 3 THE INSPECTOR OF POLICE
PANDHANALLUR POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN

CRL MP(MD) No.9440 of 2022
IN
CRL A(MD) No.494 of 2022
Date :14/09/2022

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SA/SVR/SAR.1/23.09.2022/2P/5C