



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

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

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL.M.P.(MD)No.9650 of 2022

in

CRL.A.(MD)No.420 of 2022

RAJESHKUMAR ...PETITIONER/PETITIONER/ACCUSED
(NOW CONFINED AT CENTRAL PRISON, MADURAI)
Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT
(CRIME NO. 14 OF 2018)

... 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 imposed on the petitioner vide judgment made in Spl.S.C.No. 35 of 2019, by the learned Sessions Judge, the Special Court for Exclusive Trial of Cases under POSCO Act 2012, Srivilliputhur, Virudhunagar Dated. 20.06.2022.

PRAYER IN CRL A(MD)No. 420 OF 2022:

Pleased to call for the records pertaining to Spl.S.C.No. 35 of 2019, on the file of the Learned Sessions Judge, The Special Court for Exclusive Trial of Cases under protection of Children from Sexual offences Act, 2012, Virudhunagar District at Srivilliputhur, dated 20.06.2022, by allowing this Criminal Appeal and to acquit the Appellant/Accused.

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.M.THIRUNAVUKARASU, Advocate for the petitioner and of MR.SS.MADHAVAN, Government Advocate (Criminal 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.35 of 2019, dated 20/06/2022 by the Sessions Judge, The Special Court for Exclusive Trial of Cases under POSCO Act, 2012, Virudhunagar and enlarge the petitioner on bail pending disposal of the criminal



2.The petitioner was facing the charge for the offences under section 5(1) r/w 6 of Protection of Children from Sexual Offences Act, 2012 and he was found guilty and sentenced to undergo 10 years R/I and imposed a fine of Rs.10,000/- 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.As per the case of the prosecution, the victim girl was aged about 16 years 3 months and 10 days on the date of the alleged occurrence.

4.The learned Senior counsel appearing for the petitioner would submit that it is out and out love affair between the victim girl and the accused person; Even at the time of moving the bail application, he filed an undertaking affidavit that after she attains majority, he is ready to marry the victim girl. But later it could not be carried out, since the victim girl married to some other person; A child was also born to the victim girl. According the learned Senior counsel, the offence that has been alleged against the petitioner should not be termed as heinous in nature, coming under the provisions of POSCO Act. According to the him, the subsequent development must also be taken into account.

5.But this can be considered only at the time of disposing the main appeal and that cannot be taken into account, considering the nature of the offence.

6.But even though, the victim girl during the course of evidence has stated that she was in love with the petitioner, she was subjected to sexual intercourse on several occasions. The petitioner is aged about 27 years, but the victim is aged about 16 +. It is not the age of maturity to select the life partner. I am unable to agree with this line argument of the learned Senior counsel appearing for the petitioner for the reason that it is a clear evidence on the side of the victim, which is also supported by the medical evidence. Even though, the petitioner is in custody ever-since from the date of the judgement namely 26/06/2022 till date, he is not entitled for suspension and bail.

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

sd/-
14/09/2022

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/09/2022

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 PROTECTION OF CHILDREN FROM SEXUAL
OFFENCES ACT, 2012, VIRUDHUNAGAR DISTRICT AT
SRIVILLIPUTHUR.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT
- 3 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.THIRUNAVUKARASU.M Advocate SR.No.

ORDER
IN
CRL.M.P. (MD) No.9650 of 2022
in
CRL.A. (MD) No.420 of 2022
Date :14/09/2022

ER
PKP/SVR/SAR-2/22.09.2022/3P/6C