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Crl.M.P.(MD)N



22

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

Friday, the Seventh day of October Two Thousand and Twenty Two
PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

Crl.M.P.(MD)No.12006 of 2022

in

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

RAJESHKUMAR

... PETITIONER/PETITIONER/
ACCUSED

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 Protection of Children from Sexual Offences Act, 2012 Virudhunagar District at Srivilliputtur, dated 20.06.2022 pending disposal of the above Criminal Appeal.

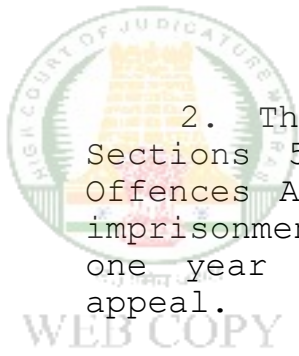
PRAYER IN Crl.A.(MD)No.420 of 2022:

To call for the records pertaining to Spl.S.C.No.35/2019, 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 Srivilliputtur, 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 M/S.V.KATHIRVELU, Senior Counsel for M/S.THIRUNAVUKKARASU.M, Advocate for the petitioner and of M/S.S.MANIKANDAN, Government Advocate(Crl.side) on behalf of the Respondents the court made the following order:-

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 20.06.2022 passed in 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 Srivilliputtur, pending disposal of the above appeal.

<https://www.mhco.go.in/judis>



2. The petitioner, who was convicted for an offence under Sections 5(1) and 6 of the Protection of Children from Sexual Offences Act, 2012 and was sentenced to undergo 10 years rigorous imprisonment and pay a fine of Rs.10,000/-, in default to undergo one year Simple Imprisonment, has preferred the above criminal appeal.

3. The learned counsel for the petitioner submitted that already the petitioner had love affair with the victim girl and even, agreed to marry her. He further submitted that the petitioner is a B.Sc., degree holder and he is the sole breadwinner of the family and he is ready to abide by any conditions imposed by this Court.

4. The learned Government Advocate appearing for the respondent police submitted that the petitioner was convicted very recently and hence, he opposed for grant of suspension of sentence.

5. However, considering the nature of the offence as well as the fact that the petitioner has spent nearly three months in prison and the fact that he was on bail during trial, we deem it fit to suspend the sentence. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment imposed on the petitioner is suspended, subject to the following conditions:

i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for POCSO Act Cases, Srivilliputtur, Virudhunagar;

ii. The petitioner shall appear before the learned Sessions Judge, Special Court for POCSO Act Cases, Srivilliputtur, Virudhunagar, on the first working day of every English Calendar month at 10.30 a.m., till the disposal of the Criminal Appeal.

sd/-

07/10/2022

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07/10/2022

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

sm/btr



TO

1.THE SESSIONS JUDGE, SPECIAL COURT FOR POCSO ACT CASES,
SRIVILLIPUTTUR, VIRUDHUNAGAR.

2.THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate (SR-11077[I] dated
07/10/2022)

ORDER
IN
Crl.M.P.(MD)No.12006 of 2022
in
Crl.A.(MD)No.420 of 2022
Date :07/10/2022

RK/SBN/SAR-1 (07/10/2022) 3P/6C