



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

Tuesday, the Twentieth day of December Two Thousand and Twenty Two

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
and
The Hon`ble Mr.Justice SUNDER MOHAN

CRL.M.P[MD]No.13556 of 2022
in
CRL.A.[MD]No.363 of 2022

K.VENISHKUMAR

... PETITIONER/APPELLANT

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.17/2018)

... RESPONDENT/APPELLANT

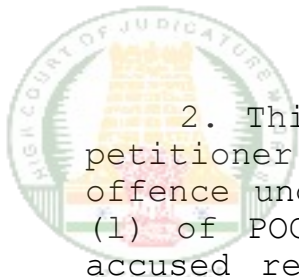
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence passed against the petitioner by the Learned Special Court for Exclusive Trial of Cases under Protection of Children from Sexual Offences Act, 2012 Judge, Virudhunagar District at Srivilliputhur in Spl.SC.No.7/2019 dated 23.12.2021 enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

PRAYER IN CRL A(MD)No.363 of 2022:

To call for the records set aside the judgment and conviction passed by the Learned Special Court for Exclusive Trial of cases under Protection of Children From Sexual offences Act, 2012 Judge, Virudhunagar District At Srivilliputhur in Spl.S.C.No.7 of 2019 dated 23.12.2021 and acquit the appellant herein.

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. RAJABOOPATHY.D., Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

Today, when the matter is taken up for hearing there is no representation for the petitioner.



2. This petition is filed for suspension of sentence as the petitioner has been convicted to undergo Life Imprisonment for alleged offence under Sections 366 & 342 IPC and Section 6 r/w Section 5(i)(1) of POCSO Act. The records indicate that pending trial, the accused remained absent and NBW was issued and after issuance of NBW, he surrendered before the Court. But on hearing the order of the Judge dismissing his surrender application, he has absconded from the Court Hall and subsequently secured.

3. Hence, the conduct of the convict indicates that if the sentence is suspended, there is every possibility of abscondance and therefore, this Court is not inclined to suspend the sentence. Hence this petition is dismissed. However, taking note of the fact that the petitioner is in prison, the Registry is directed to call for the records and prepare the typeset within a period of four weeks and list the matter as soon as the typeset is made ready.

sd/-

20/12/2022

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/01/2023

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

PJL

TO

- 1 THE SPECIAL JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL COURT
CASES UNDER PROTECTION OF CHILDREN FROM
SEXUAL OFFENCES ACT 2012 JUDGE, 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.

ORDER

IN

CRL.M.P[MD]No.13556 of 2022
in

CRL.A.[MD]No.363 of 2022

Date :20/12/2022