



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 Mr.Justice G.ILANGO VAN

CRL MP(MD) No.14975 of 2022
in
CRL A(MD)No.826 of 2022

VAIRAMUTHU

... APPELLANT/SINGLE ACCUSED

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
SATTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.527/2019)

... RESPONDENT/COMPLAINANT

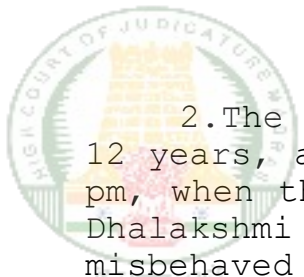
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed on the petitioner in Spl.SC.No.62/2019, on the file of the Special Court for Exclusive Trial of POCSO Act cases, Virudhunagar District at Srivilliputhur, dated 07.07.2022 and enlarge the petitioner on bail pending disposal of the Criminal Appeal before this Hon'ble Court.

PRAYER IN CRL A(MD)No. 826 OF 2022:

Pleased to admit the Criminal Appeal and to call for the records and to set aside the judgment of conviction imposed on the appellant in respect of Spl.S.C.No.62 of 2019, dated 07.07.2022 on the file of the Special Court for Exclusive Trial for POCSO Act cases, Virudhunager District at Srivilliputhur.

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.VINAYAGAN K, Advocate for the petitioner and of MR.S.MANIKANDAN, Government Advocate (Criminal Side) on behalf of the Respondents the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed against the petitioner in Special SC No.62 of 2019, dated 07/07/2022 by the Special Court for Exclusive Trial of POCSO Act cases, Virudhunagar District at Srivilliputtur and enlarge the petitioner on bail pending disposal of the criminal appeal.



2.The case of the prosecution is that the victim was aged 12 years, at the time of the occurrence. On 06/10/2019 at about 8.30 pm, when the victim, along with her parents, purchasing articles in Dhalakshmi Stores, Sivakasi Town, the accused by standing behind her misbehaved and sexually assaulted her by touching her private part. Based upon the above said occurrence, the case was registered and after completing the formalities of investigation, final report has been filed before the trial court charge sheeting the accused persons for the offences under sections 9(m) r/w 10 of POCSO Act 2012.

3.During the course of trial, on the side of the accused, 9 witnesses examined and 12 documents were marked. On the side of the accused, no oral or documentary evidence was adduced.

4.At the conclusion of the trial, the trial court came to the conclusion that the charge under section 9 r/w 10 of the POCSO Act was proved and accordingly, he was convicted and sentenced to undergo 5 years rigorous imprisonment.

5.Against which, the appeal has been preferred and pending appeal, this petition has been filed seeking suspension of sentence.

6.Reading of the petition shows that not even a single point is mentioned in the petition. But it has been stated that he was given legal advice that he is having good case in succeeding appeal. Absolutely, this court is not able to understand the ground that has been mentioned in the petition.

7.Reading of this petition along with the averments made in CrI MP(MD) No.14975 of 2022, it is seen that it is a verbatim repetition or copy of the earlier petition. Careless nature of filing this sort of petition shows that the petition deserves no consideration at all. Since no ground is mentioned in the suspension petition, this petition is liable to be dismissed.

8.In the result, this criminal miscellaneous petition is dismissed.

sd/-
20/12/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE SPECIAL JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL FOR POCSO
ACT CASES, VIRUDHUNAGAR AT SRIVILLIPUTHUR.

2 THE INSPECTOR OF POLICE
SATTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI DISTRICT.

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

ORDER

IN

CRL MP (MD) No.14975 of 2022
in

CRL A (MD) No.826 of 2022

Date :20/12/2022

er

PKP/MMS/SAR-3/26.12.2022/3P/5C