



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

Tuesday, the Seventh day of February Two Thousand and Twenty Three
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGOVAN

CRL MP(MD) No.692 of 2023
IN
CRL A(MD) No.53 of 2023

THIVAGAR

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ALANGULAM,
TIRUNELVELI DISTRICT.
CRIME NO.25 OF 2017.

... RESPONDENT/RESPONDENT

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 by the Special Court for POCSO Act Cases, Tirunelveli in Spl.CC.No.67 of 2019 by the judgement dt.30.11.2022 and enlarge the Petitioner on bail pending disposal of the above Appeal.

PRAYER IN CRL.A(MD).53/2023:

Pleased to call for records and allow this appeal and set aside the judgment dated 30-11-2022 passed in Special C.C.No.67 of 2019 on the file of the Special Court for POCSO Act Cases, Tirunelveli.

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.PRAGALATHAN N, Advocate for the petitioner and of Mr.B.NAMBISEVAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the Special Court for POCSO Act Cases, Tirunelveli in Special C.C.No.67 of 2019 dated 30.11.2022 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

2.The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial judge, for the alleged offence under Section 4 of the Protection of Children from Sexual Offences Act and sentenced him to undergo seven years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo 6 months rigorous imprisonment and also convicted for the



offences punishable under Section 341 of IPC and sentence to undergo one month rigorous imprisonment and to pay a fine of Rs.3,000/- in default to undergo 6 months simple imprisonment.

3. The learned counsel for the petitioner submitted that during the course of trial process, the victim girl appeared before the trial Court and examined as P.W.3 and she has stated that after the above said occurrence, the victim girl and the petitioner married and they got two children, were living together. Finding that at the time of occurrence, the victim is aged about 15 years, the above said conviction and sentence has been imposed upon the petitioner.

4. Considering the above facts and circumstances and also the considering the incarceration, this Court is inclined to suspend the sentence imposed on the petitioner.

5. Accordingly, the suspension of sentence petition is **allowed** and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge for the POCSO Act Case, Tirunelveli, and on further condition that the petitioner shall appear before the said Court once in a week at 10.30 a.m. pending appeal.

sd/-

07/02/2023

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07/02/2023

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

TTA

TO

1 THE SPECIAL JUDGE FOR THE POCSO ACT CASES, TIRUNELVELI.

2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION, ALANGULAM, TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 cc to Mr.PRAGALATHAN.N., Advocate, SR.No.1980 Dt.08/02/2023

ORDER IN

CRL MP(MD) No.692 of 2023

IN CRL A(MD) No.53 of 2023

Date :07/02/2023

SA/VR/SAR. /07.02.2023/2P/6C

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