



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

Friday, the Tenth day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.2186 of 2023

IN

CRL A(MD) No.98 of 2023

RAGUNATHAPANDI

... APPELLANT/SOLE ACCUSED

Vs

State Rep.by
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
DINDIGUL.
CRIME NO.20 OF 2021

... 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 made in Spl S.C No.55 of 2021 on the file of the Mahila Fast Track Court, Dindigul dated 02.01.2023 pending disposal of the above criminal Appeal

Prayer in CRL A(MD).98/2023 :

To call for the records relating to the conviction made in Spl.S.C.No.55 of 2021, dated 02.01.2023 on the file of Mahila Fast Track Court, Dindigul and set aside the conviction made against Appellant and allow the appeal.

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.MURALI.R, Advocate for the petitioner and of MR.B.NAMBI SELVAN, 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 learned Sessions Judge, Fast Track Mahila Court, Dindigul, dated 02.01.2023, in Spl.S.C.No.55 of 2021 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, who is the accused in this case, has been found guilty and convicted by the learned Sessions Judge, for the offences punishable under Section 6 of the Prevention of Children from Sexual Offences Act, 2012 and sentenced him to undergo 20 years rigorous



imprisonment and imposed a fine of Rs.10,000/- in default to go to 6 months simple imprisonment. Set of under Section 428 Cr.P.C. was also ordered.

3.The case of the prosecution is that the victim was born on 23.06.2006 and she has not attained majority. She is related to the accused and fell in love with him. On 24.08.2020, the accused took the victim girl and performed marriage at Vinayagar Temple, N.S.Colony, Dindigul. Later they lived in Jamuna Nagar, till April 2021. During that time, she was subjected to sexual intercourse. Later she became pregnant and admitted in the Government Hospital for delivery on 13.07.2021. On 14.07.2021 a girl child was born to them. Based upon the above said performance of the marriage of a child below the age of 18 years, an intimation was sent to the Social Welfare Department and on the basis of the further complaint, the case was registered and final report was also filed before the trial court after completing the investigation process charging the accused under Section 9 of Prevention of Child Marriage Act and Section 6 of the POCSO Act. Before the trial Court, on the side of the prosecution 8 witnesses have been examined and 11 documents were marked. On the side of the accused none was examined and no document was marked.

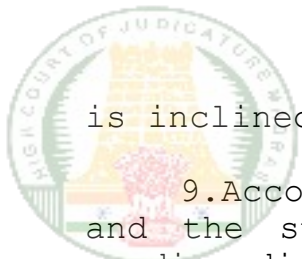
4.At the conclusion of the trial, the trial Court came to the finding that the charge that was framed under Section 6 of the POCSO Act, against the accused person was proved beyond all reasonable doubts. On that basis, the accused was found guilty and convicted and sentenced above. He was acquitted from the charges under Section 6 of the Prevention of Child Marriage Act.

5.Challenging the above said conviction and sentence, appeal has been preferred by the petitioner. Pending appeal, this petition has been filed by the petitioner seeking suspension of sentence.

6.If it is fairly admitted on the side of the petitioner that the victim was aged below 18 years at the time of alleged marriage. Now a female child was also born to them. They were living together. But the above said conviction and sentence has been passed.

7.But, learned Additional Public Prosecutor would submit that during the course of 164 Cr.P.C. statement, she has admitted her love with the petitioner, who is her close relative, as well as the marriage, pregnancy and birth of the child. But during the evidence, she has stated that she does not know the petitioner and also disowned the statement recorded under Section 164 Cr.P.C. Now, whatever may be, whether in view of the above said development, the petitioner can get any advantage, is a matter for consideration in the appeal.

8.Considering the fact that the victim and the petitioner are living together and a child was also born to them, this Court



is inclined to grant suspension of sentence to the petitioner

9. 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) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Dindigul and on further condition that the petitioner shall appear before the said Court once in a fifteen days at 10.30 a.m. pending appeal.

sd/-

10/02/2023

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14/02/2023

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

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TO

1 THE SESSIONS JUDGE, FAST TRACK MAHILA COURT, DINDIGUL.

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
DINDIGUL.

COPY TO

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

+1 CC to M/s.R.MURALI, Advocate (SR-2184[I] dated 13/02/2023)

ORDER

IN

CRL MP(MD) No.2186 of 2023

IN

CRL A(MD) No.98 of 2023

Date :10/02/2023

RS/VR/SAR. (14.02.2023) 3P-6C