



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

Thursday, the Twenty Seventh day of April Two Thousand and
Twenty Three

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL MP(MD) No.4555 of 2023
IN
CRL A(MD) No.86 of 2023

RANAVEERAN @ APLAN

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.02/2020)

... 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 learned Special Court for POCSO Act cases Virudhunagar District camp at Srivilliputhur in Spl.S.C.No.41/2020 by the judgment dt 23.08.2022

PRAYER IN CRL.A(MD).86 of 2023:

Pleased to allow this appeal and set aside the judgment and conviction dated 23.08.2022 passed by the learned Special Court for POCSO Act Cases, Virudhunagar District camp at Srivilliputhur in Special.S.C.No.41 of 2020 and acquit the appellant.

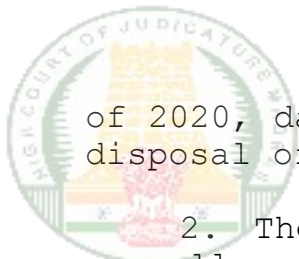
Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.SUDALAIYANDI K, Advocate for the petitioner and of Mr.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

Reserved on : 21.04.2023

Delivered on : 27.04.2023

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the learned Special Court for POCSO Act cases, Virudhunagar District at Srivilliputur in Special S.C.No.41

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



of 2020, dated 23.08.2022 and enlarge the petitioner on bail. ^{ig}
disposal of the appeal.

2. The case of the prosecution is that three children were sexually abused by five accused persons. According to the prosecution, three victim children were aged 7 years 2 months; 6 years 4 months and 7 years 7 months at the time of alleged occurrence. The prosecution case as against the second petitioner is that when the second victim girl was playing in front of his house by saying that he would give money and eatables had taken the girl to his home and caused sexual assault against the said girl and also criminally intimidated her. On the basis of the complaint given by the first victim's mother, FIR came to be registered in Crime No.2 of 2020 and the respondent Police after completing the investigation, has laid the final report against five accused, including the petitioner for the offence under Sections 506(i) IPC and under Section 3(d) r/w 4, 5(l), (m), (i), (g) r/w 6 of POCSO Act.

3. During trial, the prosecution has examined 21 witnesses as P.W.1 to P.W.21 and exhibited 46 documents as Ex.P.1 to Ex.P.46. The accused has adduced neither oral nor documentary evidence.

4. The learned Sessions Judge, upon considering the evidence adduced and on hearing the arguments of both the sides, has passed the impugned judgment, dated 23.08.2022, acquitted the fifth accused and convicting accused 1 to 4 for the offence under Section 5(m) r/w 6 of POCSO Act and sentenced them to undergo 20 years rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo one year simple imprisonment. Challenging the above said conviction and sentence, the second accused has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

5. The learned counsel for the petitioner would submit that the petitioner is in custody for the past three years; that the trial Court has failed to consider the material discrepancies found in the evidence and that the prosecution has miserably failed to prove the charges levelled against the present petitioner.

6. The learned Government Advocate (Criminal Side) appearing for the State would submit that all the victim girls were below 10 years at the time of occurrence, that the prosecution has produced ample evidence and proved the charge against the petitioner/accused and that since the impugned judgment was passed only on 23.08.2022; the petitioner is not entitled to get the relief of suspension of sentence at this point of time.

7. Considering the facts and circumstances of the case and also the seriousness and gravity of the offence allegedly proved and also the fact that the impugned judgment was passed on 23.08.2022 and the



victim children, this Court is not inclined to grant suspension of sentence at this point of time.

8. In the result, the Criminal Miscellaneous Petition is dismissed.

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sd/-
27/04/2023

/05/2023

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

DAS

TO

- 1 THE JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
VIRUDHUNAGAR DISTRICT CAMP AT SRIVILLIPUTHUR.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL MP(MD) No.4555 of 2023
IN

CRL A(MD) No.86 of 2023

Date : 27/04/2023

SA/MMS/SAR.4/17.05.2023/3P/5C