



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

Wednesday, the Twenty Sixth 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.5121 of 2023
in
CRL A (MD) No.256 of 2023

KAJA MAIDEEN @ AJMEER MAIDEEN ... PETITIONER/APPELLANT
PRESENTLY CONFINED AT
CENTRAL PRISON, MADURAI.

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PALANI,
DINDIGUL DISTRICT.
(IN CRIME NO.19/2020).

... RESPONDENT/RESPONDENT

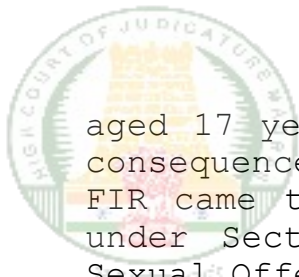
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed by the learned Fast Track Mahila (Sessions) Court, Dindigul in SSC No.40/2021 dt.9/2/2023 and to enlarge the petitioner/appellant on bail pending disposal of the above said Criminal Appeal.

PRAYER in CRL A (MD) No.256 of 2023:

Pleased to call for the records pertaining to the judgment passed by the learned Fast Track Mahila (Sessions) Court, Dindigul in S.S.C.No.40 of 2021 dated 09.02.2023 and set aside the same.

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.NAVANEETHARAJA K, Advocate for the petitioner and of Mr.R.SIVAKUMAR, Government Advocate (Crl.side) on behalf of the Respondent, the Court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner/sole accused by the learned Sessions Judge, Fast Track Mahila Court, Dindigul, in Spl.S.C.No.40 of 2021, dated 09.02.2023, till the disposal of this Criminal Appeal.



aged 17 years, had sexual intercourse with her many times and as a consequence, the victim girl has become pregnant and on that basis, FIR came to be registered in Crime No.19 of 2020 for the offences under Sections 5(1), 5(j)(ii) and 6 of Protection of Child from Sexual Offences Act, 2012 against the petitioner.

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3. The respondent police, after completing the investigation, has filed the final report for the offences under Sections 5(1), 5(j)(ii) and 6 of Protection of Child from Sexual Offences Act, 2012 and the case was taken on file in Spl.S.C.No.40 of 2021 and the same was pending on the file of the learned Sessions Judge, Fast Track Mahila Court, Dindigul.

4. During trial, the prosecution has examined 10 witnesses as P.W.1 to P.W.10 and exhibited 14 documents as Ex.P.1 to Ex.P.14. The defence has adduced neither oral nor documentary evidence.

5. The learned Sessions Judge, upon considering the evidence both oral and documentary and on hearing the arguments on both the sides, has passed the impugned judgment dated 09.02.2023 convicting the petitioner for the offence under Section 6 of Protection of Child from Sexual Offences Act, 2012 and sentenced him to undergo 20 years Rigorous Imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo 6 months Simple Imprisonment. Challenging the above said conviction and sentence, the accused has preferred the present Criminal Appeal along with the above application for suspension of sentence.

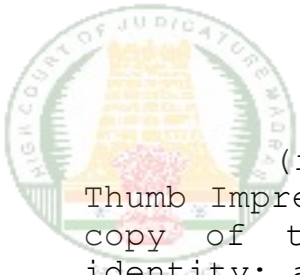
6. The learned counsel appearing for the petitioner would submit that the marriage between the petitioner and the victim girl was solemnized on 03.12.2020 and their marriage was registered and that the victim girl had given birth to a male child on 11.05.2021 and he has also produced the marriage registration certificate. He would further submit that the petitioner has already paid fine amount.

7. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the victim girl was aged more than 17 years at the time of the alleged occurrence.

8. Considering the above facts and circumstances and also the fact that the petitioner and the victim girl got married, this Court is inclined to suspend the sentence imposed on the petitioner.

9. In the result, this Criminal Miscellaneous Petition is allowed. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Fast Track Mahila (Sessions) Court, Dindigul;



(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

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(iii) The petitioner shall appear before the concerned Court daily at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-

26/04/2023

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27/04/2023

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

CSM

TO

1 THE FAST TRACK MAHILA JUDGE,
(SESSIONS), DINDIGUL.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PALANI, DINDIGUL DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+ 1 CC TO M/S.NAVANEETHARAJA K, Advocate IN SR No.6724 DT 27/04/2023

ORDER

IN

CRL MP(MD) No.5121 of 2023
in

CRL A(MD)No.256 of 2023
Date :26/04/2023

SS/SSS/SAR /27/04/2023/3P/6C