



CRL MP(MD) No.6803 of 2023

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

Thursday, the Thirteenth day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH
and
The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL MP(MD) No.6803 of 2023
IN
CRL A(MD) No.363 of 2022

K.VENISKUMAR

... PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.17/2018)

... RESPONDENT/ APPELLANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail by Suspend the sentence of Imprisonment imposed by the Learned Special Court for Exclusive Trial of cases under Protection of Child From Sexual Offences Act,2012 Judge, Virudhunagar District, at Srivilliputhur in Spl.SC.No.7 of 2019 dated 23.12.2021 pending disposal of the above Criminal Appeal.

PRAYER IN CRL.A(MD).363/2022:

Pleased to call for the records set aside the judgment and conviction passed by the Learned Special Court for Exclusive Trial of cases under Protection of Children From Sexual Offences Act,2012 Judge, Virudhunagar District At Srivilliputhur in Spl.SC.No.7 of 2019 dated 23.12.2021 and acquit the appellant herein.

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



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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.D.RAJABOOPATHY, Advocate for the petitioner and of Mr.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by M.S.RAMESH, J.)

This is the third application for suspension of sentence.

2.In the earlier petition seeking for suspension of sentence, the following order came to be passed:

“2. This petition is filed for suspension of sentence since the petitioner been convicted to undergo Life Imprisonment for alleged offence under Sections 366 & 342 IPC and Section 6 r/w Section 5(i)(l) of POCSO Act. The records indicates that pending trial, the accused remained absent and NBW was issued and after issuance of NBW, he surrendered before the Court. But on hearing the order of the Judge dismissing his surrender application, he has absconded from the Court Hall and subsequently secured.

3. Hence, the conduct of the convict indicates that if the sentence is suspended, there is every possibility of abscondance and therefore, this Court is not inclined to suspend the sentence. Hence this petition



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is dismissed. However, taking note of the fact that the petitioner is in prison, the Registry is directed to call for the records and prepare the typeset within a period of four weeks and list the matter as soon as the typeset is made ready."

3. We have also taken into account the earlier conduct of the petitioner and hence, we are not inclined to suspend the sentence imposed on the petitioner. Accordingly, this petition stands dismissed. However, in view of the earlier direction of this Court dated 20.12.2022, the typed set of papers were made ready and the learned counsel for the appellant as well as the learned Additional Public Prosecutor are also willing to present the final arguments, list the appeal for hearing on 07.08.2023.

sd/-
13/07/2023

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/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RR
TO
1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER PROTECTION OF CHILDREN FROM SEXUAL
OFFENCES ACT, 2012, VIRUDHUNAGAR DISTRICT AT
SRIVILLIPUTHUR.

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



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2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.

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

COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL MP(MD) No.6803 of 2023
IN
CRL A(MD) No.363 of 2022
Date :13/07/2023

SA/MMS/SAR. /19.07.2023/4P/6C
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