



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

Tuesday, the Eleventh day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.K.RAMAKRISHNAN

CRL MP(MD) No.9238 of 2023
IN
CRL A(MD) No.486 of 2023

CHINNAKARUPPAN @ SIVAKUMAR

... PETITIONER/APELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
VALANADU POLICE STATION,
TRICHY DISTRICT.

... RESPONDENT/RESPONDENT

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/appellant on bail, suspending the sentence imposed upon him by judgment dated 10.06.2023 in Special SC NO.48 of 2020 on the file of the sessions Judge, Mahila Court, Tiruchirappalli District.

PRAYER IN CRL.A(MD) .486/2023:

Pleased to call for the records of the Judgment passed in Special S.C.No.48 of 2020 dated 10.06.2023 on the file of the Sessions Judge, Mahila Court, Tiruchirappalli District, 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.PERUMAL C T, Advocate for the petitioner and of Mr.R.SIVAKUMAR, Government Advocate(crl.side) on behalf of the Respondent, the court made the following order:-

The petitioner is the sole accused in Spl.S.C.No.48 of 2020 on the file of the learned Sessions Judge, Mahila Court, Trichirappalli filed this petition to suspend the sentence imposed by the learned Sessions Judge, Mahila Court, Tiruchirappalli District, in Spl.S.C.No.48 of 2020 dated 10.06.2023, pending disposal of the Criminal Appeal.



2. It is the case of the prosecution that on 21.05.2020 at 5.00 p.m., the petitioner/accused is said to have misbehaved with the victim girl by closing her eyes with his hands from behind and pressing her breast. Thereafter, P.W1, father of the victim girl gave a complaint to the respondent police at 4.35 p.m. Thereafter, the investigation agency registered the case in Crime No.285 of 2020 for the offence punishable under Sections 7 r/w 8 of the POCSO Act, 2012. After completion of investigation, the respondent police filed final report before the Special Court and the same was taken on file in Spl.S.C.No.48 of 2020.

3. During trial, 10 witnesses were examined and 6 exhibits were marked. D.W-1 was examined on the side of the appellant / petitioner.

4. Considering the materials, the trial Court convicted the petitioner/appellant for the offence under Section 7 r/w 8 of the POCSO Act, 2012 and sentenced him to undergo rigorous imprisonment for four years and a fine of Rs.5000/-, in default, to undergo simple imprisonment for six months. Challenging the same, the petitioner/appellant filed the criminal appeal before this Court. Pending appeal, he seeks the suspension of the sentence.

5. This Court has carefully considered the submission made by the learned counsel for the petitioner and also perused the materials available on record.

6. The learned counsel for the petitioner submitted that when the petitioner/appellant cut down the trees in his land, the trees fell down in the house of P.W.1's brother and the same was outraged into the fight and in result, P.W1 and other relatives assaulted the petitioner/appellant due to which he sustained injury. Hence, it is the case of the petitioner/appellant that a false case was foisted against him as if he misbehaved with the victim girl. To substantiate the same, he relied upon the deposition of P.W-1 and other witnesses where there is categorical statement that FIR was registered at 4.35 p.m., but they gave the complaint only at 10.00 p.m. He further submitted that there are number of infirmities in the evidence of the prosecution and the petitioner/appellant is in jail for the past one month.

7. Considering the submission made by the learned counsel for the petitioner/appellant, this Court is inclined to grant suspension of sentence and accordingly this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal with the following conditions:

(i) the petitioner is directed to be enlarged on bail on his executing 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 Sessions Judge, Mahila Court, Tiruchirappalli; and



(ii) the petitioner shall appear before the trial Court once in a month i.e., on the first working day of every month at 10.30 a.m. pending appeal.

sd/-
11/07/2023

WEB COPY

/ TRUE COPY /

13/07/2023

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

PJL

TO

- 1 THE SESSIONS JUDGE,
MAHILA COURT, TIRUCHIRAPPALLI DISTRICT.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.
- 3 THE INSPECTOR OF POLICE
VALANADU POLICE STATION,
TRICHY 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. **(CALL FOR RECORDS)**

+1. C.C. to M/S.PERUMAL C T Advocate SR.No.10534

ORDER

IN

CRL MP(MD) No.9238 of 2023
IN

CRL A(MD) No.486 of 2023

Date :11/07/2023

SA/VR/SAR. /13.07.2023/3P/7C