



CRL MP(MD) No.10765 of 2023

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

Friday, the Twenty Eighth day of July Two Thousand and Twenty Three

PRESENT

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

CRL MP(MD) No.10765 of 2023

IN

CRL A(MD) No.612 of 2023

RAMALINGAM

... PETITIONER/ APPELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
NATHAM POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.258 OF 2022.

... 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 in Spl.S.C.No.181 of 2023 by judgment dated 11.07.2023 on the file of the Special Court for Exclusive Trial of POCSO Act Cases, Dindigul and enlarge the petition on bail pending disposal of the above Criminal Appeal.

PRAYER IN CRL.A(MD).612/2023:

Pleased to call for the records and to set aside the conviction and sentence imposed by the trial Court by its judgment dated 11.07.2023 in Spl.S.C.No.181 of 2023 on the file of the Special Court for Exclusive Trial of POCSO Act Cases, Dindigul, acquit the appellant and allow the Criminal 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. ARUN PRASAD.A, Advocate for the petitioner, the court made the following order:-

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



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Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

2. It is the case of the prosecution that on 01.08.2022, when the victim girl was returning from the school, the accused waylaid her. On the earlier occasion, during Covid-19 situation, it is alleged that whenever the victim girl was seen by the accused, the accused called her and shown his private part to her. Fearing the act of the accused, the victim girl had narrated everything to her mother. Pursuant to which, a complaint was preferred by the mother of the victim, which came to be registered in Crime No.258 of 2022 for the offence under Section 12 of Production of Children from Sexual Offences Act, 2012.

3. The petitioner has been convicted by the learned Trial Judge for the offence under Section 12 of POCSO Act, 2012 in Spl.Case.No.181 of 2023 dated 11.07.2023 by the learned Sessions Judge, Special Court for POCSO Act Cases, Dindigul and sentenced him to undergo 3 year s Rigorous Imprisonment and to pay a fine of Rs.2,000/- in default to undergo 3 months Simple Imprisonment.

4. The learned counsel for the petitioner submitted that as per the finding of the trial Court there is no offence is made out against the petitioner under Section 12 of the POCSO Act and the trial Court suspended the sentence till 10.08.2023 against



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the petitioner.

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5. The learned Government Advocate (Crl.side) appearing for the respondent would contend that the Trial Court has rightly convicted the petitioner on the basis of the evidence and the petitioner has no prima facie case in this appeal.

6. This Court perused the petitioner's affidavit filed in support of the above petition, judgment of the trial Court and the memorandum of the appeal.

7. According to the petitioner, in view of the strained relationship, the petitioner was falsely implicated in this case. Further to prove the petitioner's case, D.W.1 to D.W.5 were examined and that there are material contradictions between the victim girl and other witnesses. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that the learned trial Judge suspended the sentence, till 10.08.2023 and there are arguable points involved in the appeal and the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

8. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal with the following conditions:-

(i) The petitioner shall execute a bond for a sum of



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Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for Exclusive Trial of POCSO Act cases, 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

(iii) The petitioner shall appear before the concerned Court once in a month i.e., on first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal.

sd/-
28/07/2023

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21/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SBN
TO

1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF POCSO
ACT CASES, DINDIGUL.



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2 THE INSPECTOR OF POLICE
NATHAM POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.A.ARUN PRASAD, Advocate (SR-11418[I] dated 28/07/2023)

ORDER
IN
CRL MP(MD) No.10765 of 2023
IN
CRL A(MD) No.612 of 2023
Date :28/07/2023

SA/SAR. /21.08.2023/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.