



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

Tuesday, the Twenty First day of February Two Thousand and
Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.14124 of 2022
IN
CRL A(MD) No.781 of 2022

K.VIGNESH

... PETITIONER/APPELLANT

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.
CR.NO.7/2021.

... 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 Mahila Court Pudukottai by its judgment dated 12.10.2022 in Spl.S.C.No.17 of 2021 pending disposal of this Appeal.

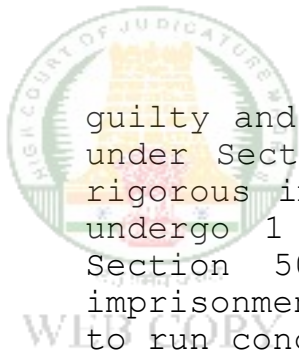
PRAYER IN CRL.A(MD) No.781 of 2022 :

Pleased to call for the records and set aside the Conviction and sentence dated 12.10.2022 by the learned Mahila Court, Pudukkottai in Spl.S.C.No.17 of 2021 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 MR.K.BAALASUNDHARAM, Advocate for the petitioner and Mr.B.NAMBISELVAN, Additional Public Prosecutor of on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Sessions Judge, Mahila Court, Pudukottai, dated 12.10.2022, in Special S.C.No.17 of 2021 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

2.The learned counsel for the petitioner submitted that the petitioner, who is the third accused in this case, has been found



guilty and convicted by the learned Sessions judge, for the offence under Section 8 of POCSO Act and sentenced him to undergo 5 years rigorous imprisonment and to pay fine of Rs.35,000/- in default to undergo 1 years rigorous imprisonment and for the offence under Section 506(i) of IPC and sentenced him to undergo rigorous imprisonment for a period of two years. The sentences were ordered to run concurrently. Set off under Section 428 Cr.P.C. was ordered.

3.The case of the prosecution in brief:

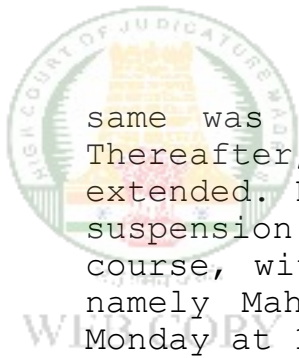
The victim was aged about 13 years at the time of alleged occurrence. She was studying 8th standard in Thanjavur Government Higher Secondary School. The accused is a neighbour and he used to visit the house of the victim girl, whenever, she was alone in the house by promising her that he would marry her, he misbehaved with her several times. On 20.04.2021 at about 01.00 p.m., when the victim girl was alone in the house, the accused tress passed in to the house and hugged and kissed her, tried to misbehave with her. At that time, the mother of the victim girl came there and on seeing her, the victim shouted and the petitioner ran away from the house. On the basis of the above said occurrence, the case was registered in Crime No.7 of 2021 and final report was also filed before the trial court after completing the investigation process. Before the trial Court, on the side of the prosecution 7 witnesses have been examined, 7 documents were marked. On the side of the accused none was examined and no document was marked.

4.At the conclusion of the trial, the trial Court came to the finding that the charge that was framed against the accused person was proved beyond all reasonable doubts. On that basis, the accused was found guilty and convicted and sentenced above. Challenging the above said conviction and sentence, appeal has been preferred by the petitioner. Pending appeal, this petition has been filed seeking suspension of sentence.

5.This petition has been filed on several grounds. According to him, important development has been made by PW1 during the course of trial. There was dispute with regard to the fishing right between the parties. Over which, the above said false case has been foisted. There is a delay of 3 days in filing the complaint.

6.The learned Additional Public Prosecutor would submit that motive was not properly established before the trial Court. In 2020 itself, there was a prior occurrence and this is a subsequent occurrence.

7.Earlier interim bail was granted to the petitioner by the order dated 09.01.2023, by which, the petitioner was directed to pay the fine amount and that was also paid by him and remittance receipt has also been produced. But without noting the above said facts, dismissal was passed by this Court on 03.02.2023. But the



same was recalled, when the mistake was brought to the .
Thereafter, the above said interim bail was also periodically
extended. Now without going into the merits of the case the interim
suspension that was granted to the petitioner is made absolute, of
course, with condition that he has to appear before the trial Court
namely Mahila Court, Pudukottai, once in a week, i.e., on every
Monday at 10.30 a.m.

sd/-
21/02/2023

/ TRUE COPY /

24/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TM
TO

- 1 THE SESSIONS JUDGE,
MAHILA COURT, PUDUKKOTTAI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

**ORDER
IN**

CRL MP (MD) No.14124 of 2022
IN
CRL A (MD) No.781 of 2022
Date :21/02/2023

SA/SBN/SAR. /24.02.2023/3P/5C