



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

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

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PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL.M.P. (MD) No.15082 of 2022  
in  
CRL.A (MD) No.15 of 2022

RANGARAJ

... PETITIONER/PETITIONER/  
PETITIONER/PETITIONER/  
APPELLANT

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION,  
SIVAGANGAI.  
(CRIME NO.16/2015)

... RESPONDENT/RESPONDENT/  
RESPONDENT/RESPONDENT/  
RESPONDENT

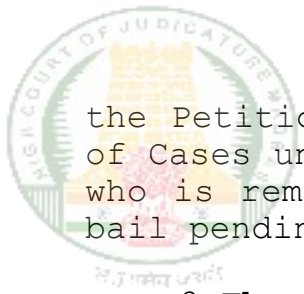
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed on the Petitioner/Accused in Spl.SC.No.5/2016 on the file of the Court of the Special Court for Exclusive Trial of cases under POCSO Act, 2012, Sivagangai dated on 21.10.2021 and enlarge him on bail till the disposal of the Appeal pending on the file of this Hon'ble Court and also grant Bail to petitioner/appellant on any condition.

**PRAYER IN CRL A(MD)No.15 OF 2022:**

Pleased to call for the records relating to the judgment passed in special S.C.No. 5/2016 on the file of Court of the Special Court for exclusive Trial of cases under POCSO Act, 2012, Sivagangai dated on 21.10.2021 and set-aside the same and acquit the Appellant/Accused from the charges leveled against him.

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.AJU TAGORE P, Advocate for the petitioner and of M/S.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence dated 21.10.2021 passed in Spl.S.C.No.05 of 2016 against



the Petitioner / Appellant by the Special Court for Exclusion of Cases under POCSO Act, Sivagangai, and the Petitioner / Appellant who is remanded to judicial custody, after judgment be released on bail pending disposal of the above appeal.

**2. The case of the prosecution in brief:-**

At that time of occurrence, the victim girl was aged about 8 years and studying 2<sup>nd</sup> standard in Panchayat Union School, Kanjirankal. On the particular date, when she was writing a lesson, a teacher namely Rangaraj took her to bathroom and sexually misbehaved with her by pressing his private part in her private part, she was threatened not to tell the same to her parents. The same was continued by him for about three days. Because of the pressing, she suffered bleeding, so she was taken to the hospital. On the basis of the above said occurrence, the First Information Report has been filed and made charges against the accused under Sections 5(f)(1), (m) r/w. 6 of POCSO Act.

3. Before the trial Court, on the side of the prosecution, 14 witnesses were examined as P.W.1 to P.W.14 and 19 documents marked as Ex.P.1 to Ex.P.19. No oral evidence was let in by the accused side and documents Ex.D.1 to Ex.D.8 were marked.

4. At conclusion of the trial, the trial Court has found that the accused guilty under Section 5(f)(1), (m) r/w. 6 of POCSO Act. Accordingly, the accused was convicted and sentenced to undergo 10 years of Rigorous Imprisonment with fine of Rs.10,000/- and in default to undergo Rigorous Imprisonment of further period of six months.

5. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the instant Miscellaneous Petition seeking suspension of sentence.

6. The learned Counsel for the Petitioner would submit that due to strong motive between the parents of the victim girl and the accused, he was falsely implicated in the above said occurrence and no injury was also reported, even as per Ex.P.10 and Ex.P.11, the victim girl was absent on that date of alleged occurrence. According to him, he is falsely implicated in the above said occurrence.

7. Reading of the statement of the victim shows that this petitioner had sexually misbehaved with her for about three days. Whether on the particular date of three days, the victim girl attended the school or not and whether there was any previous complaint against the petitioner are the matter for consideration in the appeal.

8. Prima facie I find that there was no motive between the parents of the victim girl and this petitioner. During the medical examination, the victim girl was found to have some reddening or



change of color in her private part, which suggested that as subjected to sexual assault.

9. Considering the age of the victim girl, this is not a fittest case to order the suspension of sentence.

10. Accordingly, this Criminal Miscellaneous Petition is dismissed.

sd/-  
28/02/2023

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/03/2023

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

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TO

1.THE SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,  
2012, SIVAGANGAI

2.THE SUPERINTENDENT,  
CENTRAL PRISON,  
MADURAI.

3 THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION,  
SIVAGANGAI.

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

ORDER

IN

CRL.M.P. (MD) No.15082 of 2022  
in

CRL.A(MD) No.15 of 2022

Date :28/02/2023

RK/BUC/SAR-2 (14/03/2023) 3P/5C