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Crl.M.P.No.20249 of 2023
in Crl.A.No.1659 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

Crl.M.P.No.20249 of 2023
in Crl.A.No.1659 of 2023

Devaraj

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Thirukkanur Police Station,
Puducherry.

... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 389(1) of Code of Criminal Procedure, to suspend the conviction order passed by the learned Fast Track Court Exclusively to deal with offences under the POCSO Act, Puducherry in Special Sessions Case No.177/2023, dated 07.12.2023 and enlarge the appellant/accused on bail, pending disposal of the above Criminal Appeal.

For Petitioner : Mr.B.Balavijayan
For Respondent : Mr.M.V.Ramachandra Murthy,
APP (Puducherry)



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the conviction order passed by the learned Fast Track Court Exclusively to deal with offences under the POCSO Act, Puducherry in Special Sessions Case No.177/2023, dated 07.12.2023 and enlarge the petitioner on bail.

2. The petitioner is the accused in Special Sessions Case No.177 of 2023 and he was convicted by the Trial Court by a judgment dated 07.12.2023 for the offence under Section 12 of POCSO Act, and sentenced to undergo 2 years rigorous imprisonment and to pay a fine of Rs.2,000/- in default to undergo simple imprisonment for three months. Against the said conviction, he filed the present petition for suspension of sentence.

3. The case of the prosecution is that a case in Crime No.141 of 2022 was registered on the complaint given by the father of the victim girl stating that the petitioner, who belongs to the same locality, had followed her minor daughter while she was going to the College and returning back. He also approached her with love proposal and asked her mobile phone number and



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social media details, but she refused the same. The victim girl unable to bear his torture, informed the same to her parents. Thereafter, they called the petitioner and warned him. Despite the same, he somehow got access to the victim's Instagram I.D. and sent a message "call me" and thereafter, he also posted a picture in the Instagram.

4. During trial, PWs.1 to 10 were examined and Exs.P1 to 10 were marked and M.Os.1 to 3 were also produced. The Trial Court on conclusion of the trial, convicted the petitioner as stated above.

5. The contention of the petitioner is that the petitioner and the victim girl hails from the same Village and in a friendly term he had looked at her and made some gestures, which is wrongly interpreted by her as though he had made sexual harassment to her. He further submitted that the victim's father is a Politician, using his political power he had lodged a complaint and thereafter, FIR registered against him.

6. The learned counsel appearing for the petitioner submitted that the



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petitioner now expressed his apology and informed that it was an unintended message and the same has been given wrong interpretation. However, after the parents warned the petitioner, he never followed her and he is looking at his own work. He further submitted that already the Trial Court suspended the sentence against the petitioner.

7. The learned Additional Public Prosecutor Puducherry submitted that the appellant herein had repeatedly followed the victim girl while she was going to college from her residence and given love torture and also asked the victim minor girl to contact through Social Media (Instagram) with sexual intention and thereby committed sexual harassment upon the victim girl.

8. It is seen that the age of the petitioner is 19 years, at adolescent age without knowing the seriousness of the act he had committed certain acts, now got into entanglement and a criminal case, lodged against him and now convicted. Though initially the petitioner had sent a message in the Instagram and posted a picture, and after a warning from the victim girl's



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parents, he had not indulged in any such activity.

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9. Considering the nature of offence, age of the petitioner and the fact that the trial Court suspended his sentence, the relief of suspension of sentence and bail are granted to the petitioner on the following conditions till the disposal of the above Criminal revision:

(a) The petitioner/accused is ordered to be enlarged on bail, on condition that he shall execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) with two sureties, each for a like sum to the satisfaction of the learned Fast Track Court Exclusively to deal with offences under the POCSO Act, Puducherry.

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and a copy of their Aadhaar Cards or Bank Pass Books may be obtained to ensure their identities.

(c) The petitioner shall appear before the Trial Court once in three months at 10.30 a.m. on



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the first working day of the month, until the disposal of the revision and if he is not able to appear before the Trial Court on that day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of his absence as directed by the Trial Court.

10. Accordingly, this Criminal Miscellaneous Petition is ordered.

08.02.2024

pvs



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To

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- 1.The Fast Track Court Exclusively to deal with offences
under the POCSO Act, Puducherry
- 2.The Inspector of Police,
Thirukkanur Police Station,
Puducherry.
- 3.The Public Prosecutor,
High Court, Madras.



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M. NIRMAL KUMAR., J.

pvs

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