



CRL MP(MD) No.1098 of 2024

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

Monday, the Eighteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.1098 of 2024

in

CRL A(MD) No.82 of 2024

SELVAM @ SELVA KUMAR

... Petitioner / Appellant

Vs

THE INSPECTOR OF POLICE
ARUPPUKOTTAI TALUK POLICE STATION,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.25/2020.)

... Respondent / Respondent

Criminal Miscellaneous 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 vide Judgment dt.15/12/2023 in Special Sessions Case No.54/2020 on the file of the Learned Fast Track Mahila Court, Virudhunagar District at Srivilliputhur and enlarge the petitioner on bail and pending disposal of the above criminal appeal.

Prayer in CRL A(MD) No.82 of 2024:

To call for the records relating to the judgment made in Special Sessions Case No.54 of 2020 dated 15.12.2023 on the file of the Learned Fast Track Mahila Court, Virudhunagar District at Srivilliputtur and set aside the same and to allow this criminal appeal by acquitting the appellant.



CRL MP(MD) No.1098 of 2024

Order : This criminal miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/s.T.ANTONY ARULRAJ, Advocate for the petitioner and of Mr.M.MUTHUMANIKKAM, Government Advocate (Crl. side) on behalf of the Respondent, the Court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence passed against him by the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, in Spl.S.C.No.54 of 2020 dated 15.12.2023 and to enlarge him on bail, pending disposal of the Criminal Appeal.

2. The petitioner stands convicted for the offence punishable under Section 363 of IPC and sentenced to undergo R.I. for 7 years with fine of Rs.2,000/- with default condition and under Section 6 of 'the Protection of Children from Sexual Offences Act, 2012' [hereinafter referred to as 'POCSO Act' for the sake of brevity] to undergo R.I. of 20 years and to pay a fine of Rs.5,000/- with one year Rigorous Imprisonment in default. The period of sentence was ordered to run concurrently. Challenging the above said conviction and sentence, criminal appeal has been preferred before this Court. Pending appeal, this criminal miscellaneous petition has been filed seeking suspension of sentence.

3. Learned counsel for the petitioner submitted that it is a clear case of



CRL MP(MD) No.1098 of 2024

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love affair between the victim girl and the petitioner. Since the father of the victim girl arranged marriage for her with another person, the petitioner took the victim girl to his relative house under the guise of marrying her and committed aggravated penetrative sexual assault upon her. Even during the cross-examination, the victim girl admitted that she has completed 18 years. He submits that the prosecutrix went along with the petitioner on her own volition and stay with him as both are having love affair. Hence, the learned counsel prays for suspension of sentence of the petitioner.

4. The learned Additional Government Pleader appearing on behalf of the respondent vehemently opposes the bail application and submits that under the guise of marrying the victim girl, the accused has committed the aggravated penetrative sexual assault upon her and hence, prays to dismiss the petition.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the State and perused the materials available on record.

6. On due consideration of the facts and circumstances of the case and having meticulously perused the evidence on record, without expressing any opinion on merits of the case, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.



CRL MP(MD) No.1098 of 2024

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7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, in Spl.S.C.No.54 of 2020 dated 15.12.2023 alone is suspended, subject to the following stringent conditions:-

- i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur;
- 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;
- iii) The petitioner shall appear and sign before the learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur, on the first working day of every English calendar month at 10.30 a.m., until further orders; and
- iv) The petitioner shall furnish his residential address and mobile number to the Trial Court ie., learned Sessions Judge, Fast Track Mahila Court, Virudhunagar District at Srivilliputhur.



CRL MP(MD) No.1098 of 2024

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allowed.

8. Subject to the above conditions, this Criminal Miscellaneous Petition is

sd/-
18/03/2024

/ TRUE COPY /

21/03/2024

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

PKN

To

1.The Sessions Judge,
Fast Track Mahila Court,
Virudhunagar District at Srivilliputtur.

2.The Inspector of Police,
Aruppukottai Taluk Police Station,
Aruppukottai, Virudhunagar District.

3.The Superintendent,
Central Prison, Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.ANTONY ARULRAJ, Advocate (SR-3286[I] dated 18/03/2024)

ORDER

IN

CRL MP(MD) No.1098 of 2024

in

CRL A(MD) No.82 of 2024

Date :18/03/2024



CRL MP(MD) No.1098 of 2024

ED/ /SAR- (21/03/2024) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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