



CRL MP(MD) No.1357 of 2024

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

Friday, the First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.1357 of 2024

IN

CRL A(MD)NO. 5 of 2024

KUMARESAN

... PETITIONER/APPELLANT

Vs

THE INSPECTOR OF POLICE
THADIKOMBU POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.201 OF 2021)

... 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 in Spl.SC.No.124/2023 on the file of the learned Fast Track Mahila Court, Dindigul dated 06.11.2023 and enlarge the appellant on bail pending disposal of the above said criminal appeal

PRAYER IN CRL A(MD)No. 5 of 2024:

To call for the records pertaining to the judgment Spl.S.C.No. 124 of 2023 on the file of the Learned Fast Track Mahila Court, Dindigul, vide Judgment dated 06.11.2023 by convicting the above appellant under section offence under section 363 of IPC and Section 6 of Protection of children from sexual offences Act, 2012 and sentenced to undergo 3 years Rigorous Imprisonment and fine sum of Rs.1,000/- in default to undergo 3 months simple imprisonment and 20 years of rigorous imprisonment and to pay a fine sum of Rs.2000/- in default to undergo 6 months



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simple imprisonment and also directed to pay victim compensation under section 357 (1) of Cr.P.C. sum of Rs.2,00,000/- and set aside the same.

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.GOKUL RAJ.S, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence imposed on him by the Fast Track Mahila Court, Dindigul in Spl.SC.No.124 of 2023 dated 06.11.2023 and to enlarge him on bail, pending disposal of the Criminal Appeal.

2. It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner in Crime No.201 of 2021 on the file of the respondent/Inspector of Police, Thadikombu Police Dindigul District. After completion of investigation, the case was taken on file in Spl.S.C.No.124 of 2023 before the Fast Track Mahila Court, Dindigul. The petitioner was convicted and sentenced to undergo imprisonment for 3 years and to pay a fine of Rs.1,000/- (Rupees One Thousand only) with three months simple imprisonment in case of default for the offence under Section 363 IPC and to undergo 20 years rigorous imprisonment and to pay a fine of Rs.2000/- with six months simple imprisonment in



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case of default for the offence under Section 6 of POCSO Act. Challenging the same, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

3. The learned counsel for the petitioner submitted that the allegation of kidnapping the victim girl by the petitioner on 10.04.2021 has not been proved by the prosecution. According to the learned counsel for the petitioner, the evidence of P.W.3 would show that at the time of alleged occurrence, the victim girl is aged between 17 to 21 years and hence, he prays for suspending the sentence imposed on the petitioner.

4. Per contra, Mr.M.Muthumanikkam, learned Government Advocate (Crl.side) submitted that the petitioner is the sole accused in this case and he is in custody pursuant to the confirmation of conviction by the Mahila Court and he opposed to grant suspension of sentence to the petitioner.

5. Heard the learned counsel on either side and perused the materials available on record.



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6. This Court finds force in the submission of the learned counsel for the petitioner. Considering the facts and circumstances of the case, this Court prima facie feels that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the Fast Track Mahila Court, Dindigul in Spl.SC.No.124 of 2023 dated 06.11.2023 alone is suspended, subject to the following conditions:-

i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Fast Track Mahila Court, Dindigul in Spl.SC.No.124 of 2023.

ii) The petitioner shall appear and sign before the Fast Track Mahila Court, Dindigul in Spl.SC.No.124 of 2023, on the 1st and 15th working day of every English calender month at 10.30 a.m., until further orders.

iii) In case, if the petitioner is unable to appear before the Court on the 1st and 15th working day of a month, he shall appear on the next working day.

iv) The petitioner shall furnish his residential address and mobile number to the

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Trial Court ie., the Fast Track Mahila Court, Dindigul in Spl.SC.No.124 of 2023.

v) The petitioner is directed to pay the fine amount immediately as directed by the Court below.

8. Subject to the above conditions, this Petition is allowed.

sd/-
01/03/2024

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05/03/2024
Sub-Assistant Registrar (PA-II.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE JUDGE
FAST TRACK MAHILA COURT, DINDIGUL.
- 2 THE INSPECTOR OF POLICE
THADIKOMBU POLICE STATION,DINDIGUL DISTRICT.
- 3 THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.1357 of 2024
IN
CRL A(MD)NO. 5 of 2024
Date :01/03/2024

PKP/SAR /05.03.2024/ 5P/5C
Madurai Bench of Madras High Court is issuing certified
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