



CRL MP(MD) No.1567 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.1567 of 2024

and

CRL A(MD) No.348 of 2023

JEYARAMAN

... Petitioner / Appellant

Vs

THE INSPECTOR OF POLICE
ARAVAKURICHI POLICE STATION,
KARUR DISTRICT.
(CRIME NO.84 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 of imprisonment in the judgment made in Spl.C.No.5 of 2021 on the file of the Additional Sessions Judge Fast Track Mahila Court,Karur dt.12.8.2022 convicting the Petitioner/Appellant for an offence U/s.366 IPC and 6 of POCSO Act 2012 and sentenced to undergo Rigorous Imprisonment for 10 years and to pay a fine of Rs.1,000/- in default to undergo Simple Imprisonment for 1 year for the offense under Section 366 of IPC and sentenced to undergo Rigorous Imprisonment for 20 years and pay fine Rs.1,000/- in default to undergo simple imprisonment for 1 year for the offense under section 6 of POCSO Act and sentences are ordered to run concurrently and enlarge the petitioner / appellant on bail, pending disposal of the above criminal appeal.

Prayer in CRL A(MD) No.348 of 2023:

To call for the records pertaining to the judgment in Spl.S.C.No.5 of 2021 on



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the file of the Additional Sessions Judge, Fast Track Mahila Court, Karur vide judgment dated 12.08.2022 by convicting the appellant under section 366 IPC and section 6 of POCSO Act 2012 and sentenced to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for one year for the offense under section 366 of IPC and sentenced to undergo Rigorous imprisonment for 20 years and pay fine Rs.1,000/- in default to undergo S.I. for one year for the offense under section 6 of POCSO Act 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.S.GOKULRAJ, Advocate for the petitioner and of Mr.R.SIVAKUMAR, 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 Additional Sessions Judge, Fast Track Mahila Court, Karur, in Spl.S.C.No.5 of 2021 dated 17.11.2022 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 10 years with fine of Rs.1,000/- 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.1,000/- with one year Simple Imprisonment in default. The period of sentence was ordered to run concurrently. Challenging the above said conviction and sentence, criminal appeal



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has been preferred before this Court. Pending appeal, this criminal miscellaneous petition has been filed seeking suspension of sentence.

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3. Learned counsel for the petitioner submitted that it is a clear case of love affair between the girl and the petitioner. The date of occurrence was on 11.01.2021, however, the FIR was registered only on 24.01.2021. Therefore, there is a delay of 15 days in preferring the complaint and the said delay was not properly explained by the prosecution. The prosecution has examined only the relatives of the victim girl and it has failed to examine any independent eye-witnesses. He would further submit that on two occasions, when the victim girl told her parents that she fell in love with the petitioner/accused, they scolded her and hence, without informing them, she went to her grandfather's home. 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 the prosecution has proved that, at the time of occurrence, the victim girl has not completed 18 years and she is a minor girl. The victim girl has deposed that the accused has committed the aggravated penetrative sexual assault upon her and the



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same is corroborated by the evidence of P.W.13 (Doctor) and hence, prays to dismiss the petition.

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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.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Additional Sessions Judge, Fast Track Mahila Court, Karur, in Spl.S.C.No.5 of 2021 dated 17.11.2022 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 Additional Sessions Judge, Fast Track Mahila Court, Karur;

ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy



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of their Aadhar card or Bank Pass Book to ensure their identity;

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iii) The petitioner shall appear and sign before the learned Additional Sessions Judge, Fast Track Mahila Court, Karur, on the first working day of every English calendar month at 10.30 a.m., until further orders.

iv) The petitioner shall furnish his residential address and mobile number to the Trial Court ie., learned Additional Sessions Judge, Fast Track Mahila Court, Karur.

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

sd/-
04/03/2024

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06/03/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN

To

1.The Additional Sessions Judge,
Fast Track Mahila Court,
Karur.



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2.The Inspector of Police,
Aravakurichi Police Station,
Karur District.

3.The Superintendent,
Central Prison, Trichy.

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

+1 CC to M/s.S.GOKULRAJ, Advocate (SR-2707[I] dated 05/03/2024)

ORDER
IN

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Date :04/03/2024

ED/ /SAR- (06/03/2024) 6P / 6C

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