



Crl.M.P.(MD) No.1792 of 2024

WEB COPY

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

Tuesday, the Fifth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

Crl.M.P.(MD) No.1792 of 2024
in
Crl.A(MD) No.912 of 2023

RAVISELVAN

... PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE
KEERANUR POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.811 OF 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 upon the Petitioner by the Special Court(POCSO Act Cases), Dindigul made in Spl.SC.No.33 of 2023 dt.15.8.2023 pending disposal of the Criminal appeal.

Prayer in Crl.A(MD) No.912 of 2023:

To call for the records and set aside the conviction and sentence passed by the Special Court(POCSO Act cases), Dindigul in Spl.S.C.No.33 of 2023 dated 15.08.2023.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.T.LENINKUMAR, Advocate for the petitioner and of MR.A.THIRUVADIKUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-



Crl.M.P.(MD) No.1792 of 2024

WEB COPY

The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence imposed on him by the learned Sessions Judge, Special Court for POCSO Act Cases, Dindigul, in Spl.S.C.No.33 of 2023 dated 15.08.2023 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 along with other accused in Crime No.811 of 2020, on the file of the respondent/Inspector of Police, Keeranur Police Station, Dindigul District, for the offences punishable under Sections 363 of IPC and Section 6 of 'the Protection of Children from Sexual Offences Act, 2012' [hereinafter referred to as 'POCSO Act' for the sake of brevity] and the same was taken on file in Spl.S.C.No.33 of 2023 before the learned Sessions Judge, Special Court for POCSO Act Cases, Dindigul. The petitioner was convicted and sentenced to undergo 20 years rigorous imprisonment and to pay a fine of Rs.2,000/- (Rupees Two Thousand only) with three months simple imprisonment in case of default for the offence under Section 6 of POCSO Act and to undergo one year rigorous imprisonment 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 of IPC. Challenging the above said conviction and sentence, the petitioner has preferred the Criminal Appeal along with the present Criminal Miscellaneous Petition seeking suspension of

<https://www.mhc.tn.gov.in/judis>



sentence.
WEB COPY



Crl.M.P.(MD) No.1792 of 2024

3. The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl loved each other and on her own violation, the victim girl eloped with the petitioner. He further submitted that there was no sexual assault and as per the doctor report, there was no injury. He further submitted that the evidence of P.W.1 is completely contrary to the contents of the FIR and the same was not properly considered by the trial Court. This petition has been filed mainly on the ground that the petitioner is in judicial custody from 15.08.2023. Hence, the learned counsel prays for suspension of sentence of the petitioner.

4. The learned Additional Public Prosecutor appearing on behalf of the respondent vehemently opposed this petition informing that the allegations levelled against the petitioner/accused are serious in nature. At the time of occurrence, the victim girl was a minor and hence, prays to dismiss the petition.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and perused the materials available on record.



Crl.M.P.(MD) No.1792 of 2024

WEB COPY

6. This Court finds force in the submission of the learned counsel for the petitioner. Admittedly, the victim girl eloped with the petitioner and both had physical relationship. Based on the complaint lodged by the victim's father, a case was registered and on 06.09.2020, the petitioner and the victim girl were secured. Hence, this Court is of the prima facie view that there are arguable points involved in this Criminal Appeal. Moreover, the petitioner has been incarcerated from 15.08.2023 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 learned Sessions Judge, Special Court for POCSO Act Cases, Dindigul, in Spl.S.C.No.33 of 2023, dated 15.08.2023, 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, Special



Crl.M.P.(MD) No.1792 of 2024

Court for POCSO Act Cases, Dindigul;

WEB COPY

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 concerned Court daily at 10.30 a.m. and 5.30 p.m., till the disposal of the appeal.

iv) The petitioner shall furnish his residential address and mobile number to the Trial Court i.e., learned Sessions Judge, Special Court for POCSO Act Cases, Dindigul.

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

sd/-
05/03/2024

/ TRUE COPY /

08/03/2024
Sub-Assistant Registrar (CS-I / II/ III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

rm
TO

1.THE JUDGE, SPECIAL COURT FOR POCSO ACT CASES, DINDIGUL,

2.THE INSPECTOR OF POLICE
KEERANUR POLICE STATION, DINDIGUL DISTRICT.



Crl.M.P.(MD) No.1792 of 2024

3.THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

WEB COPY

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

+1. C.C. to T.LENINKUMAR Advocate SR.No.2727

ORDER IN
Crl.M.P.(MD) No.1792 of 2024
in
Crl.A(MD) No.912 of 2023
Date :05/03/2024

RK/VR (08/03/2024) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023