



CRL MP(MD) No.2783 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.2783 of 2024

in

CRL A(MD) No.184 of 2024

STEPHENRAJA

... APPELLANT/APPELLANT

Vs

THE INSPECTOR OF POLICE
AWPS POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.10 OF 2022.

... 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 by the Fast Track Mahila court, Dindigul by its Judgment dt. 12.12.2023 in Spl S.C No. 152 of 2023 and enlarge the petitioner on bail pending disposal of this Criminal Appeal.

Prayer in CRL A(MD).184/2024 :

To call for the records pertaining to Judgment dated 12.12.2023 in Spl.C.C.No.152 of 2023, on the file of Fast Track Mahila Court, Dindigul, and set aside the same by allowing this Criminal Appeal.

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



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The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence passed against him by the learned Sessions Judge, Mahila Court (Fast Track Court), Dindigul, in Spl.S.C.No.152 of 2023 dated 12.12.2023 and to enlarge him on bail, pending disposal of the Criminal Appeal.

2.It is a case of love affair between victim/prosecutrix and accused/petitioner. Both the family members initially objected for their marriage and therefore, to chalk-out their own life, they gone away from their respective house and lived in a rental house at Kullanampatty, Dindigul. When the victim/prosecutrix went for a medical check-up, it came to the light that she has not completed the age of 18 years and upon complaint made against the petitioner, a case has been registered in Crime No.10 of 2022 for the offences punishable under Section 366 of IPC and Section 9 of 'the Protection of Children from Sexual Offences Act, 2012' [hereinafter referred to as 'POCSO Act' for the sake of brevity] and Section 6 of the Prohibition of Child Marriage Act, 2006 and the same was taken on file before the learned Sessions Judge, Mahila Court (Fast Track Court), Dindigul. The petitioner was convicted and sentenced to undergo 3 years Rigorous Imprisonment and to pay a fine of Rs.1000/- with 3 months simple imprisonment in case of default for the offence committed under Section 366 of IPC and the petitioner was convicted and sentenced to undergo 20 years Rigorous Imprisonment and to pay a fine of Rs.1000/- with 6 months simple



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imprisonment in case of default for the offence committed under Section 6 of POCSO

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Act. Challenging the above said conviction and sentence, the petitioner has preferred the present Miscellaneous Petition seeking suspension of sentence.

3. Learned counsel for the petitioner submitted that the victim/prosecutrix has voluntarily filed an additional affidavit before this Court stating that pursuant to the love affair between her and the petitioner, she went along with the petitioner under the impression that she had attained the age of 18 years and they lived in a rental house at Kullanampatty Village, Dindigul. The petitioner is the husband of prosecutrix and father of a male child. In these circumstances, without considering the facts of the case, the Court below had convicted the petitioner. Due to the incarceration of the petitioner, the socio-economic of the prosecutrix as well the child has been crippled. Hence, the learned counsel prays for suspension of sentence of the petitioner.

4. The learned Additional Public Prosecutor appearing on behalf of the respondent affirmed the submission of the learned counsel for the petitioner and submitted that the petitioner and prosecutrix have got married and they were blessed with one child.

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



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available on record.

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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 Sessions Judge, Mahila Court (Fast Track Court), Dindigul, in Spl.S.C.No.152 of 2023 dated 12.12.2023 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, Mahila Court (Fast Track Court), Dindigul;

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 trial Court on the first working day of every English calender 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 Sessions Judge, Mahila Court (Fast Track Court), Dindigul.



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allowed.

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

sd/-
12/03/2024

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13/03/2024

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

PKN

TO

1 THE SESSIONS JUDGE, MAHILA COURT (FAST TRACK COURT), DINDIGUL.

2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
DINDIGUL DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.A.ARUL JENIFER, Advocate (SR-3077[I] dated 12/03/2024)

ORDER IN
CRL MP(MD) No.2783 of 2024
in
CRL A(MD) No.184 of 2024
Date :12/03/2024

RS//SAR-(13.03.2024) 5P 6C
Madurai Bench of Madras High Court is issuing
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