



CRL MP(MD) No.2649 of 2024

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

Wednesday, the Sixteenth day of October Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL MP(MD) No.2649 of 2024
in
CRL A(MD) No.442 of 2023

SOLLAMADAN

... PETITIONER/PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE
ALL WOMAN POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.7 OF 2017.

... RESPONDENT/RESPONDENT

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 trial court and enlarge the Petitioner on bail pending disposal of the Criminal Appeal against Spl.Case No.25 of 2019 dated 08.09.2022 on the file of the Sessions Judge, POCSO Special Court, Tirunelveli District, pending disposal of the Criminal Appeal.

Prayer in CRL A(MD) No.442 of 2023 :

To call for the records and set aside the conviction judgment passed by the Sessions Judge, POCSO Special Court, Tirunelveli District in Spl.Case No.25/2019 dated 08.09.2022.

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.S.KRISHNAN, Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Sessions Judge, POCSO Special Court, Tirunelveli District, in



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Spl.C.No.25 of 2019 dated 08.09.2022.

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2.The learned counsel for the petitioner submitted that the petitioner, who is the sole accused in this case, has been found guilty and convicted by the learned Sessions judge, for the offence under Sections 506(i) IPC and sentenced him to undergo six months rigorous imprisonment and convicting him for the offences under Section 8 of POCSO Act (2 counts) and sentenced him to undergo five years rigorous imprisonment for each count and to pay a fine of Rs.5,000/- in default, to undergo simple imprisonment for a period of one year for each count. Set off under Section 428 Cr.P.C. was also ordered.

3.The case of the prosecution is that on 25.03.2017, the petitioner who is the father of the victim girls, in drunken mode, came to the house and had committed sexual harassment on the victim girls and has also threatened them not to inform the same to anybody. On the basis of the complaint lodged, a case was registered and final report was also filed before the trial court after completing the investigation process.

4.Before the trial Court, on the side of the prosecution 13 witnesses have been examined, 22 documents were marked and no material object was marked. On the side of the accused none was examined and no document was marked.

5.At the conclusion of the trial, the trial Court came to the finding that the



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charges framed against the accused person was proved beyond all reasonable doubts.

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On that basis, the accused was found guilty and convicted and sentenced as above.

6.Challenging the above said conviction and sentence, appeal has been preferred by the petitioner / accused. Pending appeal, earlier the petitioner has filed petitions seeking suspension of sentence. By orders dated 05.07.2023 and 06.12.2023, this Court dismissed the applications. Now the petitioner herein filed the third application seeking suspension of sentence.

7.Learned counsel for the petitioner would submit that this is the third application seeking suspension of sentence. The earlier two applications were dismissed by this Court by orders dated 05.07.2023 and 06.12.2023.

8.It is seen that the earlier petitions were dismissed by this Court, by considering the grievous nature of the accusation, the improper conduct on the part of the petitioner and the age of the victims. At the time of hearing, the wife and son of this petitioner were present before this Court and informed the Court that because of the matrimonial issue between the husband and wife, this case came to be filed. But the victims are not before this Court. On further enquiry with them, they stated that to correct the behaviour of this petitioner, such a complaint was given. But this sort of explanation offered by them, cannot be taken into account at this stage. When serious allegations of misconduct, that too with their own children, has been alleged



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against the petitioner that has been the reason for the earlier dismissal, now information has been furnished before this Court that the complaint itself was motivated. But no cross examination was made by this petitioner to the victims. Even at the time of argument, learned counsel for the petitioner would submit that he is going to argue the main appeal only for modification of the sentence.

9.Considering the period of incarceration, the submission of the learned counsel for the petitioner and considering the facts, this Court is inclined to grant suspension of sentence to the petitioner.

10.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, POCSO Special Court, Tirunelveli, and on further condition that the petitioner shall appear before the said Court once in a week at 10.30 a.m. pending appeal.

sd/-

16/10/2024

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16/10/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE SESSIONS JUDGE, POCSO SPECIAL COURT, TIRUNELVELI DISTRICT.

2 THE INSPECTOR OF POLICE, ALL WOMAN POLICE STATION,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

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

+1 CC to M/s.A.S.KRISHNAN, Advocate (SR-12532[I] dated 16/10/2024)

ORDER

IN

CRL MP(MD) No.2649 of 2024

in

CRL A(MD) No.442 of 2023

Date :16/10/2024

RS//SAR-(16.10.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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