



CRL MP(MD) No.2663 of 2024

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

Friday, the Thirtieth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.2663 of 2024

IN

CRL A(MD) No.175 of 2024

SIVACHANDIRAN

... Petitioner / Sole Accused

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
DINDIGUL, DINDIGUL DISTRICT.
(CRIME NO.13 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 imposed by the learned Fast Track Mahila court, Dindigul in Spl S.C no. 43 of 2021 by the judgment dt. 30.01.2023 and enlarge the petitioner / Appellant on bail pending disposal of the above Criminal Appeal.

Prayer in CRL A(MD) No.175 of 2024:

To set aside the judgment and conviction dated 30.01.2023 by the learned Fast Track Mahila Court, Dindigul in Spl.S.C.No.43 of 2021 and acquit the appellant.

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.AK.AZAGAR SAMI, Advocate for the petitioner and of Mr.M.SAKTHI Kumar, Government Advocate (Crl. side) on behalf of the Respondent, the Court made the following order:-



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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Fast Track Mahila Court, Dindigul, in Spl.S.C.No.43 of 2021 by the judgment dated 30.01.2023 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

2. The defacto complainant is the wife of the accused / the petitioner herein. They had three children. One among them is the victim aged about 13 years. The girl was studying in VIII Standard in a private school and the petitioner being the father was misbehaved with the victim girl. It was intimated to her by the victim that frequently such misbehaviour occurred. On 16.06.2021 at about 3 a.m., in the early morning, the accused misbehaved with the victim girl. She shouted at the petitioner on noticing the same. The victim was criminally intimidated. It was intimated to the relatives. In spite of that, the accused did not correct his behaviour. On that basis, a complaint was given by the victim's mother. A case was registered and after completing the investigation, final report was filed and the following charges were framed against the accused. i) Under Section 506(1) of IPC and sentenced him to undergo two years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo 2 months simple imprisonment and ii) convicted for the offence under Section 10 of Prevention of Children from Sexual Offences Act, 2012, and sentenced him to undergo 5 years rigorous imprisonment and to pay a



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fine of Rs.10,000/- in default to undergo 6 months simple imprisonment. The sentences were ordered to run concurrently. Set off under Section 428 Cr.P.C. is also ordered.

3. Before the trial Court on the side of the prosecution, eight witnesses were examined, 7 documents were marked. On the side of the accused none was examined and no document was marked. At the conclusion of the trial process, the trial Court came to the conclusion that the offences under Section 506(i) of IPC read with Section 10 of Prevention of Children from Sexual Offences Act, 2012, was proved by the prosecution beyond all doubts. Against which the Criminal Appeal is preferred. Pending the Appeal process, this petition is filed seeking suspension of sentence.

4. Heard both sides.

5. On coming to know the facts of the case, the petitioner was ordered to be produced before this Court through video conference. He was produced and made enquiry as to the happenings. He stated that the mother of the victim girl, the wife, was in illegal intimacy with one Sekar who is his own friend. That was condemned by him and in spite of that the relationship continued. To wreak vengeance only, the false complaint has been lodged by misusing the victim girl. He never misbehaved with her own daughter.



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6. Learned counsel for the petitioner would submit that the petitioner is in custody for more than a year, from the date of judgment. Over the alleged illegal intimacy of the defacto complainant with one Sekar, trouble has arisen between the husband and wife. It is also evident from the cross examination made by the accused to the defacto complainant.

7. Eventhough, there is a denial on the part of the defacto complainant, in the facts and circumstances of the case and also considering the incarceration period, 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 Fast Track Mahila Court, Dindigul 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/-
30/08/2024

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30/08/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

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1.The Sessions Judge,
Fast Track Mahila Court, Dindigul.

2.The Inspector of Police,
All Women Police Station,
Dindigul, 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.2663 of 2024

IN

CRL A(MD) No.175 of 2024

Date :30/08/2024

ED/ /SAR- (30/08/2024) 5P / 5C

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