



CRL MP(MD) No.2664 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.2664 of 2024

in

CRL A(MD)No. 176 of 2024

VEERAKUMAR

... PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VADAMADURAI,
DINDIGUL DISTRICT.
CRIME NO. 10/2021

... 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 execution of sentence of imprisonment passed in the Judgment of conviction and sentence in Spl S.C No. 102 of 2023 dt. 02.02.2024 on the file of the learned Sessions Judge, Mahila court (Fast Track court), Dindigul and enlarge the petitioner on Bail,pending disposal of the Criminal Appeal.

PRAYER IN CRL A(MD)No.176 of 2024:

To call for the records of the impugned judgment passed in Spl.S.C.No. 102 of 2023 dated 02.02.2024 on the file the Learned Sessions Judge, Fast Track Mahila Court, Dindigul and set aside the same.



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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.VADIVEL A, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal appeal, 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 Sessions Judge, Mahila Court (Fast Track Court), Dindigul, in Spl.S.C.No.102 of 2023 dated 02.02.2024 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. Since they were in relationship, the family of the victim/prosecutrix arranged marriage to them on 31.08.2020 at the house of the second accused and they were blessed with a girl child. At the time of marriage, the prosecutrix was a minor girl and not completed 18 years. Based on a complaint, the respondent police has registered FIR against the petitioner in Crime No.10 of 2021 for the offences punishable under 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 20 years Rigorous Imprisonment and to pay



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a fine of Rs.1000/- with 6 months simple imprisonment in case of default.

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 girl and the petitioner fell in love and the family of the victim girl have arranged the marriage between them. The petitioner is the husband of prosecutrix and father of a girl child. The petitioner was arrested on 11.11.2021 and released on bail. Thereafter, both the petitioner and prosecutrix are living peacefully at their village. In these circumstances, without considering the facts of the case, the Court below had convicted the petitioner. 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

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.102 of 2023 dated 02.02.2024 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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8. Subject to the above conditions, this Criminal Miscellaneous Petition is allowed.

sd/-
12/03/2024

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13/03/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
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, VADAMADURAI,
DINDIGUL DISTRICT.
- 3 THE SUPERINTENDENT,CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE SECTION OFFICER,
CRIMINAL RECORDS

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.VADIVEL, Advocate (SR-3082[I] dated 12/03/2024)

ORDER
IN
CRL MP(MD) No.2664 of 2024
in
CRL A(MD)No. 176 of 2024
Date :12/03/2024

PKP/13.03.2024/ 5P/7C

Madurai Bench of Madras High Court is issuing certified
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