



CRL MP(MD) No.2964 of 2024

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

Monday, the Eleventh day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.2964 of 2024

in

CRL A(MD) No.203 of 2024

SARAVANAN

... PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE
SANARPATTI POLICE STATION
DINDIGUL DISTRICT.
CRIME NO.294/2022.

... 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 on the Petitioner by the Learned Sessions Judge, Special Court for Excluive Trial of Cases under POCSO Act, Dindigul in Special SC No.198/2023 dt.08.02.2024 and enlarge the Petitioner on bail pending disposal of the above Criminal Appeal on the file of this Hon'ble Court.

Prayer in CRL A(MD).203/2024 :

To take the case on file, call for the records relating to the Judgment passed by the Learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul in Special S.C.No.198 of 2023 dated 08.02.2024 and acquit the Accused and set aside the same and allow the 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 MR.M.KANNAN, Advocate for the petitioner and of MR.M.MUTHU MANIKKAM, Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

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The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence imposed on him by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul, in Spl.S.C.No.198 of 2023 dated 08.02.2024 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.294 of 2022, on the file of the respondent/Inspector of Police, Sanarpatti Police Station, Dindigul District, for the offences punishable under Section 451 of IPC and Section 18 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.198 of 2023 before the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul. The petitioner was convicted and sentenced to undergo one year 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 451 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 sentence.

3. The learned counsel appearing for the petitioner would submit that the trial Court failed to consider the evidence of PW1, wherein she has not stated that her



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father was outside the house. He further submitted that the witnesses arrayed by the prosecution are all hearsay witnesses and not admissible in the eye of law. Furthermore, there is a strong motive for the defacto complainant's father to falsely implicate the petitioner as wreck vengeance. Also the prosecution has not proved that the petitioner has committed criminal trespass as defined under Section 451 of IPC and hence, the learned counsel prays for suspension of sentence of the petitioner.

4. The learned Government Advocate (Crl. side) appearing on behalf of the respondent vehemently opposed this petition informing that the allegations levelled against the petitioner/accused are serious in nature. He further submitted that when the victim girl alone at her home, the accused came there and entered into the house of the victim and attempted to commit the alleged offence and hence, prays to dismiss the petition.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the State and perused the materials available on record.

6. This Court finds force in the submission of the learned counsel for the petitioner 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.



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7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul, in Spl.S.C.No.198 of 2023, dated 08.02.2024, alone is suspended, subject to the following 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 Court for Exclusive Trial of Cases under POCSO Act, 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 before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders;
- iv) In case, if the petitioner is unable to appear before the Court on the first working day of a month, he shall appear on the next working day.
- v) The petitioner shall furnish his residential address and mobile number to the Trial Court i.e., learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul.



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allowed.

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

sd/-
11/03/2024

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/03/2024

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

TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
DINDIGUL.

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

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

+1 CC to M/s.M.KANNAN, Advocate (SR-3056[I] dated 12/03/2024)

ORDER IN
CRL MP(MD) No.2964 of 2024
in CRL A(MD) No.203 of 2024
Date :11/03/2024

RS/JGB/SAR-(14.03.2024) 5P 5C
Madurai Bench of Madras High Court is issuing
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