



Crl.MP(MD)No.2977 of 2024 in Crl.A(MD)Nos.1025 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Ninth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

Crl.MP(MD)No.2977 of 2024

in

Crl.A(MD)Nos.1025 of 2023

SHANKAR

... Appellant /Sole Accused

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PONMALAI TIRUCHIRAPPALLI DISTRICT.
CRIME NO. 14/2019

... Respondent / Complainant

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge the petitioner on bail by suspending the sentence imposed upon the petitioner in Special Sessions Case No. 25 of 2020 on the file of the learned Sessions Judge, Mahila court, Tiruchirappalli, Tiruchirappalli District by judgment dated 19.09.2023 pending disposal of the main Criminal Appeal.



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Prayer in Crl.A.(MD) No.1025 of 2023

To call for the records in Special Sessions Case No.25 of 2020 on the file of the Learned Sessions Judge, Mahila Court, Thiruchirappalli. Trichirappalli District and SET ASIDE the Judgement dated 19.09.2023 and Acquit the Appellant of the Charges leveled against him.

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.BALAMURUGAN S, Advocate for the petitioner and of M/s.M.SAKTHI KUMAR, Government Advocate (Crl.Side) on behalf of the Respondent the Court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the Sessions Judge, Mahila Court, Trichy in Special SC No.25 of 2020, dated 19/09/2023 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

2.The case of the prosecution brief:-

The victim girl was aged about 4 + at the time of the occurrence. On 17/12/2019 at about 04.00 pm, the victim girl went to the house of the accused to play with a boy namely Logesh. At that time, the accused taken the victim girl to the cot and committed penetrative sexual assault upon her. Upon the above said occurrence, a case in Crime No.14 of 2019 was registered by the respondent police for the offence under section3(d) and 4 of POCSO Act, 2012

3.After completion of the investigation, the respondent police filed a final report



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for the offence under sections 5(i), 5(m) r/w 6(1) of the POCSO Act, 2012 and the same has been taken cognizance in Special SC No.25 of 2020 by the Sessions Judge, Mahila Court, Trichy.

4.Before the trial court, on the side of the prosecution, 17 witnesses were examined and 12 documents were marked. On the side of the accused, no oral and documentary evidence was adduced. Remand report was marked as Ex.C1.

5.At the conclusion of the trial process, the trial court found the petitioner guilty of the offence and sentenced him to undergo 20 years RI and to pay a fine of Rs.5,000/-, in default to undergo 3 months SI for each offence under sections 5(i), 5 (m) r/w 6(1) of POCSO Act, 2012 and directed to run the sentences concurrently.

6.Challenging the conviction and sentence, this appeal is preferred by the appellant. Pending appeal, this criminal miscellaneous petition was taken out by the petitioner seeking suspension of sentence.

7.Heard both sides.

8.Reading of the Doctor evidence, who treated the victim does indicate that there was bite mark on the private part of the victim. So, this itself prima facie shows that the petitioner misbehaved with the victim.

9.So, this is not the fittest case to exercise the discretion to enlarge the petitioner on bail by suspending the sentence.



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10. In the result, this criminal miscellaneous petition is dismissed.

sd/-

09/09/2024

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/ 10 / 2024

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

ER

TO

1. THE SESSIONS JUDGE,
MAHILA COURT,
TIRUCHIRAPPALLI,
TIRUCHIRAPPALLI DISTRICT

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PONMALAI
TIRUCHIRAPPALLI DISTRICT.

3. THE SUPERINTENDENT
CENTRAL PRISION
THIRUCHIRAPPALLI.

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

+2 CC to M/s.S.BALAMURUGAN, Advocate (SR-11024[I] dated 09/09/2024)



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ORDER
IN
Crl.MP(MD)No.2977 of 2024
in
Crl.A(MD)Nos.1025 of 2023
Date :09/09/2024

PSP/ JGB /SAR /15.10.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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