



CRL MP(MD) No.6980 of 2023

WEB COPY

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

Wednesday, the Thirteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.6980 of 2023

in

CRL A(MD)No. 358 of 2023

RAVICHANDRAN

... PETITIONER/SOLED ACCUSED

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, VALLAM,
THANJAVUR DISTRICT.
(IN CRIME NO.10/2018)

... 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 Suspend the sentence imposed by the Learned Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur in Spl SC No.52/2019 (Old SSC No.03/2019) dated 22.04.2022 and enlarge the appellant on bail pending disposal of the above said Criminal Appeal.

PRAYER IN CRL A(MD)NO. 358 OF 2020:

Pleased to call for entire records connected to the Judgment in Spl.SC.No.52 of 2019 (Old SSC No. 03/2019) dated 22.04.2022 on the file of Learned Special Court for Exclusive Trial of cases under POCSO Act, Thanjavur and set aside the conviction and sentence imposed against the appellant.



CRL MP(MD) No.6980 of 2023

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.KARTHICK P, Advocate for the petitioner and of MR.M.MUTHUMANIKKAM, Government Advocate (Criminal Side) on behalf of the Respondent, the court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence imposed on him by the learned Sessions Judge, Sessions Court for Exclusive Trial of Cases under POCSO Act, Thanjavur, in Spl.S.C.No.52 of 2019 dated 22.04.2022 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 in Crime No.10 of 2018, on the file of the respondent/Inspector of Police, All Women Police Station, Vallam, Thanjavur District, for the offences punishable under Section 9(c), 9(m) r/w. 10 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.52 of 2019 before the learned Sessions Judge, Sessions Court for Exclusive Trial of Cases under POCSO Act, Thanjavur. The petitioner was convicted and sentenced to undergo five years simple imprisonment and to pay a fine of Rs.30,000/- (Rupees Thirty Thousand only) for offence under Section 9(c), 9(m) r/w. 10 of POCSO Act. Challenging the above



CRL MP(MD) No.6980 of 2023

said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Criminal Miscellaneous Petition seeking suspension of sentence.

3. The learned counsel for the petitioner submitted that the trial Court failed to consider that the alleged occurrence happened on 20.09.2018 at about 1.00 p.m. but the complaint was lodged by the defacto complainant after two days i.e., 22.09.2018 and as per the medical report there was no external injury found on the victim girl. He further submitted that in Ex.P.6 the age of the victim is mentioned and this clearly established that the accident register is prepared with the assistance of the respondent police. There is no evidence to prove the charge levelled against the petitioner and the prosecution has not established its case beyond reasonable doubts. The petitioner is in judicial custody from 22.04.2022. 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. At the time of occurrence, the victim girl was a minor and hence, prays to dismiss the petition.



CRL MP(MD) No.6980 of 2023

WEB COPY

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) 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 hence, this Court is of the prima facie view that there are arguable points involved in this Criminal Appeal. Moreover, the petitioner has been incarcerated from 22.04.2022 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.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Sessions Judge, Sessions Court for Exclusive Trial of Cases under POCSO Act, Thanjavur, in Spl.S.C.No.52 of 2019 dated 22.04.2022 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, Sessions Court for Exclusive Trial of



CRL MP(MD) No.6980 of 2023

Cases under POCSO Act, Thanjavur;

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 concerned Court daily at 10.30 a.m. and 5.30 p.m., till the disposal of the appeal.

iv) The petitioner shall furnish his residential address and mobile number to the Trial Court i.e., learned Sessions Judge, Sessions Court for Exclusive Trial of Cases under POCSO Act, Thanjavur.

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

sd/-
13/03/2024

/ TRUE COPY /

14/03/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RM
TO

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

<https://www.mhc.tn.gov.in/judis>



CRL MP(MD) No.6980 of 2023

- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, VALLAM,
THANJAVUR DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.KARTHICK, Advocate (SR-3106[I] dated 13/03/2024)

ORDER
IN
CRL MP(MD) No.6980 of 2023
in
CRL A(MD)No. 358 of 2023
Date :13/03/2024

PKP/14.03.2024/ 6P/ 6C
Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023