



CRL MP(MD) No.7059 of 2023

WEB COPY

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

Monday, the Eighth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.7059 of 2023

in

CRL A(MD)No. 366 of 2023

A.RAVI @ RAVICHANDRAN ...PETITIONER/APPELLANT/SOLE ACCUSED
(NOW CONFINING AT MADURAI CENTRAL
PRISON)

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KODAIKANAL,
DINDIGUL DISTRICT.
CRIME NO.01 OF 2020.

... RESPONDENT/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 in respect of the conviction sentence passed in S.S.C No. 60 of 2021 on 20.01.2023 on the file of the Sessions Judge, Fast Track Mahila court, Dindigul and enlarge the petitioner on bail pending disposal of the main criminal appeal.

PRAYER IN CRL A(MD)No. 366 of 2023:

Pleased to admit this appeal on file , to call for the entire records connected to the Judgment dated 20.01.2023 in Spl.S.C.No. 60 of 2021 on the file of the Sessions Judge, Fast Track Mahila Court, Dindigul and to set aside the conviction and sentence imposed against the appellant and acquit the appellant.



CRL MP(MD) No.7059 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.S. JAINAB BEEVI, Advocate for the petitioner and of MR.R.SIVAKUMAR, 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 passed against him by the learned Sessions Judge, Fast Track Mahila Court, Dindigul in S.S.C.No.60 of 2021 dated 20.01.2023 and to enlarge him on bail, pending disposal of the Criminal Appeal.

2. According to the prosecution, a case has been registered against the petitioner in Crime No.01 of 2020 on the file of the respondent/Inspector of Police, All Women Police Station, Kodaikanal, Dindigul District for the offences punishable under Section 5(l) 5(j) (ii) r/w Section 6 of 'the Protection of Children from Sexual Offences Act, 2012' [hereinafter referred to as 'POCSO Act' for the sake of brevity] and Section 9 of 'the Prohibition of Child Marriage Act, 2006' [hereinafter referred to as 'PCM Act' for the sake of brevity] and that the same was taken on file in S.S.C.No.60 of 2021 before the learned Sessions Judge, Fast Track Mahila Court, Dindigul. In respect of Section 9 of PCM Act, the petitioner was convicted and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.1,000/- with two months simple imprisonment in case of default and the petitioner was convicted and sentenced to undergo twenty years rigorous imprisonment and to pay a fine of Rs.10,000/- with



CRL MP(MD) No.7059 of 2023

six months simple imprisonment in case of default qua Section 6 of POCSO Act.

3. Learned counsel for the petitioner submitted that the victim is the wife of the petitioner. The Court below has failed to appreciate the fact that Ex.A8 i.e., DNA report of the petitioner is negative. Since the petitioner is the only breadwinner, due to his incarceration, the entire family is suffering. Learned counsel further submitted that there are some arguable points involved in the criminal appeal and therefore, he prays for grant of suspension of sentence to the petitioner.

4. Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor would submit that there are enough materials available on record against the petitioner and hence, opposed for allowing the petition.

5. Heard the learned counsel on either side and perused the materials available on record.

6. Considering the arguable points involved in the appeal and the facts and circumstances of the case, this Court is of the prima facie view that the sentence imposed on the petitioner is to be suspended pending this appeal.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Sessions Judge, Fast Track Mahila Court, Dindigul in S.S.C.No.60 of 2021 dated 20.01.2023 alone is suspended subject to the following

conditions:

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



CRL MP(MD) No.7059 of 2023

WEB COPY

i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila 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 learned Sessions Judge, Fast Track Mahila Court, Dindigul, on the first working day of every English calender 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; and

v) The petitioner shall furnish his residential address and mobile number to the Trial Court i.e., learned Sessions Judge, Fast Track Mahila Court, Dindigul.

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

sd/-
08/01/2024

/ TRUE COPY /

11/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL MP(MD) No.7059 of 2023

PKN
TO

- 1 THE SESSIONS JUDGE
FAST TRACK MAHILA COURT, DINDIGUL.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KODAIKANAL,
DINDIGUL DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.VIVEKANANDAN, Advocate (SR-331[I] dated 08/01/2024)

ORDER
IN
CRL MP(MD) No.7059 of 2023
in
CRL A(MD)No. 366 of 2023
Date :08/01/2024

PKP/DD/SAR- /11.01.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023