



Crl.M.P.(MD).No.6241of 2023

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

Friday, the Fourteenth day of June Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
and
The Hon`ble Mr.Justice K. RAJASEKAR

Crl.M.P.(MD).No.6241of 2023
in
Crl.A.(MD).No.313 of 2023

KAMARAJ PERUMAL

... PETITIONER/ APPELLANT/
ACCUSED NO.2

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
IN CRIME NO.5 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 imposed on the petitioner by the Learned Special court (POCSO Act cases), Virudhunagar district at Srivilliputhur in Spl S.C No. 76 of 2020 dated 24.11.2022 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).No.313 of 2023:

To call for the records of the case in Spl.S.C.No.76 of 2020 on the file of the Learned Special Court (POCSO Act cases), Virudhunagar district at Srivilliputhur dated 24.11.2022 and set aside the conviction and sentence and acquit the Appellant/ Accused No.2 .



Crl.M.P.(MD).No.6241of 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.VINAYAK.S, Advocate for the petitioner and of MR.A.THIRUVADIKUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The petition for suspension of sentence is pending from April 2023. The learned counsel appearing for the petitioner seeks time. It is the case that A1 who is the adopted father of the victim had committed sexual assault on the victim. The statement of the victim is also corroborated by the evidence of other witnesses. The medical evidence also corroborates the same. It is not a fit case to grant suspension of sentence. Hence, the Criminal Miscellaneous Petition is dismissed.

2. Registry is directed to list the main appeal for final hearing in the usual course.

sd/-
14/06/2024

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/06/2024
Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

aav

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TO
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1. THE JUDGE, SPECIAL COURT (POCSO ACT CASES),
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
2. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC TO M/S.S.VINAYAK, ADVOCATE (SR-6624[I] DATED 18/06/2024)

ORDER
IN
Crl.M.P.(MD).No.6241of 2023
in
Crl.A.(MD).No.313 of 2023
Date :14/06/2024

RK/GS (24/06/2024) 3P / 7C

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