



Crl.M.P.(MD).No.4667 of 2024

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

Tuesday, the Thirtieth day of April Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

Crl.M.P.(MD).No.4667 of 2024
in
Crl.A.(MD).No.364 of 2024

ARJUNAN

... PETITIONER/ APPELLANT/
SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
NATHAM POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO. 269 OF 2022

... RESPONDENT/ COMPLAINANT/
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 / Appellant / Sole Accused namely Arjunan S/o Boopathi passed by the learned Mahila Fast track court, Dindigul in Spl S.C No. 264 of 2023 dt. 26.03.2024 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

Prayer in Crl.A.(MD).No.364 of 2024:

To call for the records of the impugned judgment made in Spl.S.C.No.264 of 2023 on the file of the learned Mahila Fast Track Court, Dindigul dated 26.03.2024 and set aside the same.

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



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of M/S.JEGADEESH PANDIAN.M, Advocate for the petitioner and of MR.B.NAMBISELVAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner in Spl.S.C.No.264 of 2023 dated 26.03.2024 on the file of the Mahila Fast Track Court, Dindigul, till the disposal of this Criminal Appeal.

2. The petitioner said to have committed the offence under Section 366 IPC and the learned trial Judge passed the conviction under Section 366 IPC and sentenced him to undergo 5 years of rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months simple imprisonment and for the offences under Section 6 of POCSO Act, 2012 sentenced him to undergo 20 years of rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo 6 months simple imprisonment.

3. The case of the prosecution is that the petitioner and the victim girl loved each other, on the promise of marriage, the petitioner had sexual relationship with the victim girl, who is aged about 17 years. Due to the physical relationship, the victim girl became pregnant and delivered a child.



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4. During trial, the prosecution has examined 11 witnesses as P.W.1 to P.W.11 and exhibited 26 documents as Ex.P.1 to Ex.P.26 and marked one Material Object as M.O.1. However, neither a witness was examined nor a document was exhibited on the side of the accused.

5. The petitioner has been convicted for the offence under Section 366 of IPC and under Section 6 of POCSO Act, 2012 in S.C.No.115 of 2011 dated 28.06.2023 by the learned Additional District and Sessions Judge, Virudhunagar at Srivilliputhur and for the offence under Section 366 IPC and he was sentenced to undergo 5 years of rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months simple imprisonment and for the offences under Section 6 of POCSO Act, 2012 sentenced him to undergo 20 years of rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo 6 months simple imprisonment.

6. The learned counsel for the petitioner submitted that the petitioner married the victim girl and she is living in along with the petitioner's parents.

7. The victim girl sent a letter to the learned Additional Public Prosecutor stating that during the pendency of the case, the petitioner married the victim girl



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and she is living in the matrimonial home. She further stated that due to financial crisis, she is unable to maintain herself and her child. Hence, she prays for allowing this petition.

8. This Court considered the rival submissions made on either side and perused the materials available on record.

9. The victim girl expressed her following grievance in the letter addressed to the learned Additional Public Prosecutor:

“during the pendency of the case, the petitioner married the victim girl and she is living in the matrimonial home. She further stated that due to financial crisis, she is unable to maintain herself and her child”.

10. Considering the said grievance and also considering the period of incarceration that there are arguable points involved in this Criminal Appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future, hence, the petitioner is entitled to the relief of grant of suspension of sentence.

11. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal with the following



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conditions:-

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(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 Mahila Fast Track 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; and

(iii) The petitioner shall appear before the concerned Court once in a month i.e., on first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal.

sd/-
30/04/2024

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08/05/2024
Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. THE JUDGE, MAHILA FAST TRACK COURT, DINDIGUL



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2. THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR

3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4. THE INSPECTOR OF POLICE
NATHAM POLICE STATION, DINDIGUL DISTRICT.

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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-5160[I] dated 30/04/2024)
ORDER IN
Crl.M.P.(MD).No.4667 of 2024
in
Crl.A.(MD).No.364 of 2024
Date :30/04/2024

RK (08/05/2024) 6P / 7C

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