



CRL MP(MD) No.6234 of 2024

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

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

PRESENT

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

CRL.M.P.(MD)No.6234 of 2024

in

CRL.A.(MD)No.396 of 2024

PUGAZHENTHI

... PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE
NADUKAVERI POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.825/2020.

... RESPONDENT/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 passed in Spl SC No.69/2020 on the file of the Learned Principal Special Court for Exclusive Trial Under POCSO Act Cases, Thanjavur by the Judgement dt.25.05.2023 pending disposal of the criminal appeal.

Prayer in Crl.A(MD).396/2024:

Pleased to call for the records in Spl.S.C.No.69 of 2020 on the file of the Learned Principal Special Court for Exclusive Trial Under POCSO Act Cases, Thanjavur in Spl.S.C.No.69 of 2020 by the judgement dated 25.05.2023.

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

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



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Mr.S.SRIKANTH, Advocate for the petitioner and of Mr.R.SIVAKUMAR, Government Advocate(crl.side) 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/appellant passed in Spl.S.C.No.69 of 2020 on the file of the learned Principal Special Court for Exclusive Trial under POCSO Act, Cases, Thanjavur by the judgment dated 25.05.2023 pending disposal of the criminal appeal.

2. The case of the prosecution is that that on 02.08.2020 at about 6.30 p.m., when the victim girl went to backyard of the paternal uncle's house to attend natural calls, the accused came behind her with sexual intention, grabbed her hand and hugged her, when the victim girl screamed, the accused run away by pushing her down.

3. On receipt of the complaint, the respondent police registered the FIR in Crime No.825 of 2020 for the offences under Section 8 of POCSO Act, 2012.

4. The respondent police, after completing the investigation, has laid a final report for the offences under Sections 8 of POCSO Act, 2012 before the learned Principal Special Court for Exclusive Trial under POCSO Act, Cases, Thanjavur. The learned Special Judge has taken the case on file in Spl.S.C.No.69 of 2020 and thereafter, conducted trial as per procedure stated in code of Criminal Procedure.

5. During the trial, the prosecution has examined 19 witnesses as P.W.1 to

P.W.19 and exhibited 13 documents as Ex.P.1 to Ex.P.13 and no Material Objects were



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marked, whereas, the accused has adduced neither oral nor documentary evidence.

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6. The learned Special Sessions Judge, upon considering the evidences adduced and on hearing the arguments on both the sides, convicted the accused for the offence under Section 8 of POCSO Act, 2012 and sentenced him to undergo 3 years Rigorous Imprisonment and to pay a fine of Rs.5,000/- in default, to undergo six months Simple Imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

7. The learned Counsel for the petitioner submits that the accused came behind the victim girl, grabber her hand and hugged her. In the said allegation, the charge was framed and final report was filed. Even as per the allegation, the offence under Sections 8 of POCSO Act, 2012, is not made out. In the said circumstance, the offence is not made out against the petitioner. Hence, he seeks to grant of suspension of sentence to the petitioner.

8. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

9. This Court has carefully considered the rival submissions by either side and also perused the materials available on record.



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10. Certain infirmities and inconsistencies, certain contradictions in material particulars brought to the knowledge of this Court and hence, this Court prima facie feels that 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. Even though the petitioner counsel makes the number of submissions and considering the “incarceration of more than one year” and also considering the total punishment of 3 years, this Court is inclined to grant of Suspension of Sentence.

11. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(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 Principal Special Court for Exclusive Trial under POCSO Act, Cases, 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; and



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(iii) The petitioner shall appear before the concerned Court daily at 10.30 a.m., until further orders.

sd/-
21/06/2024

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24/06/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RJR
TO

1 THE PRINCIPAL SPECIAL JUDGE
FOR EXCLUSIVE TRIAL UNDER POCSO ACT CASES,
THANJAVUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

3 THE INSPECTOR OF POLICE
NADUKAVERI POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.S.SRIKANTH, Advocate (SR-6783[I] dated 21/06/2024)

ORDER IN
CRL.M.P.(MD)No.6234 of 2024
in
CRL.A.(MD)No.396 of 2024
Date :21/06/2024

SA/SAR. /24.06.2024/5P/6C

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