



CRL MP(MD) No.5757 of 2024

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

Tuesday, the Fifth day of November Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
and
The Hon`ble Ms.Justice R. POORNIMA

CRL.M.P.(MD)No.5757 of 2024
IN
CRL.A.(MD)No.499 of 2024

JAHANGIR

... PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THILAGARTHIDAL,
MADURAI.
(CRIME NO.22/2020).

... 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 made in Spl.SC.No.101/2020 dated 8/4/2024 on the file of the Special Court for POCSO Act Cases, Madurai.

Prayer in CRL.A.(MD)No.499 of 2024:

Pleased to call for the records pertaining to the judgement passed in Spl.SC.No.101 of 2020, dated 08.04.2024 passed on the appellant/accused by the Learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai and set aside the conviction and sentence against the apellant and to acquit

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



CRL MP(MD) No.5757 of 2024

the appellant.

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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 Mr.V.PAVEL, Advocate for the petitioner and of Mr.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

Heard both sides.

2. The petitioner herein was found guilty of having committed the offences under Sections 5(l), 5(m) and 6 of the Protection of Children from Sexual Offences Act 2012 and Section 376 AB of IPC and sentenced to life imprisonment vide judgment dated 08.04.2024 in Special S.C.No.101 of 2020 on the file of the Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai. Questioning the same, he filed Crl.A.(MD)No.499 of 2024. It has been admitted. The appellant seeks suspension of sentence during the pendency of the appeal.

3. The learned counsel appearing for the appellant submitted that the appellant was denied fair opportunity to defend himself. He stated that the victim girl was examined in the absence of the defence counsel and that this caused serious prejudice to him. He relied on the decision reported in (2011) 4 SCC 729 (Mohd. Sukur Ali V. State of Assam) in support of his contention that the right to fair trial is an important fundamental right guaranteed under Article 21 of the Constitution of India.

4. We are not swayed by the submissions of the learned counsel for the



CRL MP(MD) No.5757 of 2024

petitioner. As rightly pointed out by the learned Additional Public Prosecutor, the victim girl had directly implicated the appellant herein. The Court below after considering the entire evidence on record, found the appellant guilty. Whatever contentions the appellant may have, they can be advanced while hearing the main appeal. At this stage, we are not inclined to suspend the sentence against the petitioner. This petition is dismissed.

sd/-
05/11/2024

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

PMU
TO

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

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THILAGARTHIDAL,
MADURAI.

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



CRL MP(MD) No.5757 of 2024

+1 CC to M/s.V.PAVEL, Advocate (SR-13600[I] dated 05/11/2024)

ORDER
IN
CRL.M.P.(MD)No.5757 of 2024
IN
CRL.A.(MD)No.499 of 2024
Date :05/11/2024

SA/SKN/SAR. /13.11.2024/4P/6C

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