



CRL.M.P.(MD)No.7382 of 2024

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

Tuesday, the Twenty Second day of October Two Thousand and Twenty Four  
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL.M.P.(MD)No.7382 of 2024  
in  
CRL.A.(MD)No.617 of 2024

AJITH

... Petitioner / Appellant

Vs

THE INSPECTOR OF POLICE  
THENI POLICE STATION,  
THENI DISTRICT.  
CRIME NO. 182/2019

... 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 against the petitioner in Spl S.C No. 37/2023 dt. 25.04.2024 passed by the learned Principal Special court for Exclusive trial of cases under POCSO Act, Theni and enlarge the petitioner on bail till the disposal of he Criminal Appeal.

Prayer in CRL A(MD). 617/ 2024 :

to call for the records in Judgement and sentenced dated 25.05.2024 passed in Spl S.C No. 37/2023 on the file of the learned Principal Special court for Exclusive trial of cases under POCSO Act, Theni and set aside the same and acquit the appellant.

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 R.L.DHILIPAN PANDIAN, for M/s.K.ARUNRAJ, Advocate for the petitioner and of M/s.M.SAKTHI KUMAR, Government Advocate (Crl.Side) on behalf of the Respondents the court made the following order:-

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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the Principal Special Court for Exclusive Trial of cases under POCSO Act, Theni, dated 25/04/2024 in Spl.S.C.No.37 of 2023 and enlarge the petitioners on bail, pending disposal of the above said Criminal Appeal.

2.The case of the prosecution is that on 28.02.2019 at about 03.00 p.m., the accused kidnaped the victim girl to Thondamuthur, where they stayed in a house belongs to one Raj. During that time, the victim girl was subjected to forcible sexual intercourse, for many times. Because of the above said relationship, she become pregnant. In the meantime, complaint was registered on the basis of the complaint given by the defacto complainant. So the accused abandoned the victim girl and ran away from that place. On the basis of the complaint given by the complainant, the case was registered. After completing the investigation, final report was filed, charge sheeting the accused for the offences under sections 366 of IPC and Section 6 of the POCSO Act.

3.The case was tried by the Principal Special Court for Exclusive Trial of cases under POCSO Act, Theni, in Spl.S.C.No.37 of 2023. After committal process was over, the following charges were made under sections 366 of IPC and Section 5(j)(ii) r/w 6 of the POCSO Act.

4.On the side of the prosecution, 14 witnesses were examined and 12

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documents marked. On the side of the accused no witness was examined and no documents were marked.

5.At the conclusion of the trial process, the trial court found the appellant guilty of the offence under section 366 IPC and convicted and sentenced to undergo 10 years rigorous imprisonment and to pay a fine of Rs.10,000/- (Rupees Ten thousand only) in default, he shall undergo simple imprisonment for a period of one year; and also appellant found guilty for the offence under section 5(j)(iii) r/w 6 of the POCSO Act and convicted and sentenced to undergo 10 years Rigorous Imprisonment and to pay a fine of Rs.10,000/- (Rupees Ten thousand only) in default, he shall undergo simple imprisonment for a period of one year. The sentence was ordered to run concurrently.

6.Against which, this appeal has been preferred by the appellant along with this petition seeking suspension of sentence.

7.The learned counsel for the petitioner would submit that he has not disputed the paternity of the child. Even he was ready to take the victim with him, since she attained majority. But, trouble has arisen in the form of the objection made by the mother of the victim. Now, the victim girl got married with some other boy and living there with new family. But the child was left in the home. This was verified by the learned Additional Public Prosecutor also. Now the child was adopted by some



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third person.

8.Considering the fact that the petitioner does not dispute the paternity of the child and also considering the period of incarceration, this Court is inclined to allow this petition.

9.In the result, Crl.M.P.(MD)No.7382 of 2024 in Crl.A(MD)No.617 of 2024 is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that he shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the Principal Sessions Judge, Principal Special Court for Exclusive Trial of cases under POCSO Act, Theni, and on further condition that he shall appear before the said Court once in a week at 10.30 am pending criminal appeal.

sd/-  
22/10/2024

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22 / 10 / 2024

Sub-Assistant Registrar  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TM  
TO

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

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2. THE INSPECTOR OF POLICE  
THENI POLICE STATION, THENI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.K.ARUNRAJ, Advocate ( SR-12914[I] dated 22/10/2024 )

ORDER  
IN  
CRL.M.P.(MD)No.7382 of 2024  
in  
CRL.A.(MD)No.617 of 2024  
Date :22/10/2024

PSP/ /SAR /22.10.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified  
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