



Crl.MP(MD)No.8690 of 2024 in Cr.A(MD)No.690 of 2024

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

Wednesday, the Twenty Fifth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

Crl.MP(MD)No.8690 of 2024
in Cr.A(MD)No.690 of 2024

NARAYANA SWAMY

... PETITIONER/ APPELLANT/
SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, (RURAL),
PALANI,
DINDIGUL DISTRICT.
CRIME NO.2/2023.

... 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 of Imprisonment imposed in Spl SC No.267/2023 on the file of the Learned Addl Sessions Judge Special Court (POCSO) Act Cases, Dindigul and enlarge the petitioner on bail pending the CrI A.

Prayer in Cr.A(MD)No.690 of 2024:

To call for the records and set aside the judgment of conviction and sentence passed in Spl.S.C.No.267 of 2023 on the file of the Learned Additional Sessions Judge Special Court(POCSO Act Cases) Dindigul dated 29.05.2024 and allow this appeal and acquit the appellant/accused.



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Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.S.SURESH KUMAR ISAAC PAUL, Advocate for the petitioner and of MR.M.SAKTHI KUMAR, Government Advocate(Crl.side) on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the Additional Sessions Judge, Special Court for POCSO Act Cases, Dindigul, dated 29/05/2024, in Special SC No.267 of 2023 and enlarge the petitioner on bail pending disposal of the Appeal.

2.The case of the prosecution in brief:-

On 03/04/2023 at about 06.00 pm, the victim girl was playing in front of her house. She was taken by the accused to his house and misbehaved sexually. On the basis of the above said occurrence, a case in Crime No.2 of 2023 was registered by the respondent police in Crime No.2 of 2023 for the offences under section 294(b) IPC and section 10 of the POCSO Act, 2012.

3.After completion of the investigation, the respondent police filed a final report and the same has been taken cognizance in Special SC No.267 of 2023 by the Sessions Judge,(FAC), Special Court for POCSO Act cases, Dindigul.

4.On the side of the prosecution, 13 witnesses were examined and 10



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documents were marked. On the side of the accused, no oral evidence was adduced, but one document was marked.

5.At the conclusion of the trial process, the trial court found the petitioner guilty of the offence and sentenced him to undergo 5 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo 6 months SI for the offence under section 10 of POCSO Act.

6.Challenging the conviction and sentence, this appeal is preferred by the appellant. Pending appeal, this criminal miscellaneous petition was taken out by the petitioner seeking suspension of sentence.

7.Heard both sides.

8.The learned counsel appearing for the petitioner would submit that there is a political motive between the victim family members and the petitioner; contradictions found in the prosecution witnesses with regard to the occurrence. Apart from that, it is also submitted that one Selvam, who alleged to have signed in the complaint is not the witness to the occurrence. So, because of the political motive only, this false case has been foisted.



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9.Per contra, the learned Government Advocate (Criminal side) would submit that enough materials were available against the petitioner, rightly convicted by the trial court. So, no indulgence need be shown.

10.The victim girl was examined as PW2. She has narrated the sequence of events. PW5 has stated in his evidence that on the particular date, the victim girl was playing in front of the house. At that time, PW4 was also present. He enquired. At that time, the above said occurrence was informed and he questioned the accused about the occurrence. Malar namely PW4 also corroborated the evidence of PW3. So, whether the above said occurrence is reliable or not is a matter for consideration at the time of hearing the main appeal.

11.Considering the manner in which the above said occurrence happened and considering the age of the victim girl, this court is not inclined to exercise the discretion in favour of the petitioner.

12.In the result, this criminal miscellaneous petition is dismissed.

sd/-
25/09/2024

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/10/2024

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

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TO

1. THE ADDITIONAL SESSIONS JUDGE SPECIAL COURT(POCSO ACT CASES)
DINDIGUL
- 2.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, (RURAL),
PALANI,
DINDIGUL DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

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Date :25/09/2024

RK/VR (18/10/2024) 5P / 5C

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