



CRL MP(MD) No.8014 of 2024

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

Thursday, the Twenty Ninth day of August Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.8014 of 2024

IN

CRL A(MD) No.270 of 2024

VANSYLIC ISRAEL PINTU

... Petitioner / Appellant

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION
PUDUKOTTAI DISTRICT.
(CRIME NO.10/2023.)

... 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 in Spl SC No.32/2023 on the file of Learned Mahila Court, Pudukottai by its order dt.04.03.2024 and enlarge him on bail pending disposal of the instant Criminal Appeal.

Prayer in CRL A(MD) No.270 of 2024:

To admit this appeal and call for the records pertaining to the order passed by the learned Mahila Court, Pudukottai in Spl.S.C.No.32 of 2023 dated 04.03.2024.

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.SAMIDURAI.K, 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:-



CRL MP(MD) No.8014 of 2024

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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the Sessions Judge, Mahila Court, Pudukottai, in Special SC No.32 of 2023, dated 04/03/2024 and enlarge the petitioner on bail pending disposal of the above said Criminal Appeal.

2.The case of the prosecution brief:-

The victim girl was aged about 15 in the year of 2023. The accused is a Teacher working in Mountzion CBSC School where the victim was also studying in 10th Standard. Apart from serving in the school, the accused was taking private tuition for students. In the private tuition, the victim joined. During that time, he misbehaved with the victim girl by bad touch and that continued for sometime. In the month of October 2022, whenever the victim girl was regularly attending the classes in the evening house, he directed to await on some false reasons. She was taken to a small bed room situated in the private tuition centre, where she was subjected to penetrative sexual assault. That was repeated several times during the month of November and December and the victim was threatened not to disclose the same to anyone. On the basis of the complaint given by the District Child Protection Officer, Pudukottai, a case in Crime No.10 of 2023 was registered by the respondent police for the offence under section 5(l) r/w 6(l) of POCSO Amendment



CRL MP(MD) No.8014 of 2024

Act 2019.

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3.After completion of investigation, final report was filed before the Sessions Judge, Mahila Court, Pudikkottai and the same was taken on file in Special SC No.32 of 2023.

4.Before the trial Court, on the side of the prosecution, 8 witnesses were examined and 13 documents were marked. On the side of the accused, no oral and documentary evidence was adduced.

5.At the conclusion of the trial process, the trial court found the accused guilty of the offence under 5(l) r/w 6(l) of the POCSO (Amendment) Act, 2019 and sentenced him to undergo 20 years rigorous imprisonment and to pay a fine of Rs.25,000/- in default to undergo one year rigorous imprisonment.

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 the story projected by the prosecution is not believable; Even as per the case of the prosecution, trouble started even in the month of October, 2022. But no complaint was filed, either by the victim girl or by the parents till the present complaint was



CRL MP(MD) No.8014 of 2024

lodged on 10/08/2003; No reason for the delay and inaction on the part of the parents of the victim was explained; Large number of students were studying in the private tuition centre and they were not examined; Strong motive suggested by the accused; section 27 of the POCSO Act was not complied by the prosecution namely the Investigating Officer, while subjecting the victim to the medical examination.

9.Per contra, the learned Government Advocate (Criminal side) would submit that the petitioner being a Teacher took advantage of the helpless condition of the victim girls.

10.It was replied by the learned counsel for the petitioner that no proper reason was assigned for the delay in lodging the complaint.

11.Perusal of the judgment shows that the very same points raised before this court were raised before the trial court and were already considered and elaborate discussion has been made with regard to the points advanced by the petitioner.

12.It is seen that on the date of occurrence, the victim girl was aged about 14 +. The medical examination also indicates that her hymen was not intact.

13.Whether the delay on the part of the parents of the victim in lodging the complainant will affect the prosecution case or not is the matter to be decided at the time of hearing the main appeal. I am not convinced by any of the arguments advanced by the petitioner for suspending the sentence. As mentioned above, all



CRL MP(MD) No.8014 of 2024

those points were already raised before the trial court and rejected for valid reasons.

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The petitioner being a teacher, in the capacity of the parent, alleged to have misbehaved with the victim girl. This sort of the offence cannot taken lightly. Unless a strong case has been made by the petitioner, he is not entitled for suspension of sentence. No strong case has been made out by the petitioner. So, the petitioner deserves no consideration.

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

sd/-
29/08/2024

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/09/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ER

To

1.The Sessions Judge,
Mahila Court, Pudukottai.

2.The Inspector of Police,
All Women Police Station,
Pudukottai District.

3.The Superintendent,
Central Prison, Trichy.



CRL MP(MD) No.8014 of 2024

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-10213[I] dated 21/08/2024)

ORDER
IN
CRL MP(MD) No.8014 of 2024
IN
CRL A(MD) No.270 of 2024
Date :29/08/2024

ED/ GS /SAR- (12/09/2024) 6P / 6C

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