



CRL MP(MD) No.8158 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of August Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.8158 of 2024

in

CRL A(MD) No.404 of 2024

GOBAL

... APPELLANT/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.08/2021)

... 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 imposed against the petitioner and release him on bail pending disposal of the main Crl.A before this Honble Court against the Judgment of the Honble Sessions Judge, Special court for Pocso Act Cases, Virudhunagar District at Srivilliputtur in Special S.C.No.49 of 2021 dated 04.01.2023.

Prayer in CRL A(MD) No.404 of 2024 :

To call for the entire records connected with the judgment rendered by the Hon'ble Sessions Judge, Special Court for POCSO Act Cases, Virudhunagar District at Srivilliputtur in Special S.C.No.49 of 2021 dated 04.01.2023 and set aside the same and consequently 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 MR.R.PRAKASH, 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.8158 of 2024

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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Sessions Judge, (Special Court for POCSO Act Cases), Virudhunagar District at Srivilliputtur, dated 04.01.2023, in Special S.C.No.49 of 2021 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

2.The learned counsel for the petitioner submits that the petitioner was convicted by the learned trial judge, for the alleged offence under Section 10 of POCSO Act 2012 and sentenced him to undergo five years rigorous imprisonment and to pay a fine of Rs.2,000/- in default to undergo one year simple imprisonment. Set off under Section 428 Cr.P.C. is also ordered.

3.The learned counsel for the petitioner further submits that there was a delay in registering the FIR and reaching the Court. Further, P.W.5- Doctor clearly stated in her chief examination that the victim girl was not sexually assaulted. But, all these aspects have not been properly considered by the Trial Court. Since there are arguable points involved in the appeal, he prays for suspension of sentence.

4.Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, the suspension of sentence petition 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



CRL MP(MD) No.8158 of 2024

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condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Aruppukottai and on further condition that the petitioner shall stay at Tirunelveli and appear before the learned Judicial Magistrate, Tirunelveli, at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the appeal.

sd/-

27/08/2024

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27/08/2024

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

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TO

1 THE SESSIONS JUDGE, (SPECIAL COURT FOR POCSO ACT CASES),
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

2 THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

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



CRL MP(MD) No.8158 of 2024

COPY TO

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1 THE JUDICIAL MAGISTRATE, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

ORDER

IN

CRL MP(MD) No.8158 of 2024

in

CRL A(MD) No.404 of 2024

Date :27/08/2024

RS//SAR-(27.08.2024) 4P 9C

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