



CRL.M.P(MD)No.8260 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Sixth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL.M.P(MD)No.8260 of 2024

in

CRL.A(MD)No.1121 of 2023

MANIMARAN

... Petitioner / Appellant

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION
KUMBAKONAM
PATTEESWARAM POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.1226/2020.

... 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 sentences passed in Spl SC No.01/2021 dt.29.08.2023 on the file of the Learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur pending disposal of the above said Crl Appeal.

Prayer in CRL A(MD). 1121/ 2023 :

To call for the records pertaining to the order made in Spl.S.C.No.01 of 2021 dated 29.08.2023 on the file of the learned Sessions Judge, Principal special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur and set aside the same by allowing above appeal.

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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 M/S.KARUNAKARAN.K.M, Advocate for the petitioner and of MR.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent while admitting the Criminal Appeal, the Court made the following order:-

This Petition is filed to suspend the sentence imposed by the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur, in Special S.C.No.01.2021 dated 29.08.2023 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

2. The case of the prosecution is that the victim girl after completing 10th std., was working in a Super Market at Kumbakonam and she used to go to her work place in Auto and the accused was the driver of the Auto. In the course of time, the accused had been talking with the victim girl over phone by saying that he is in love with her and on promise to marry her, the accused had developed intimacy. On a particular day, he misbehaved with her and hugged her and had forcible sexual intercourse. It continued three times. At the request of the accused, she went along with him on 04.09.2020 to Tripur and stayed for some days and during that time, he had sex with her and later returned to their home. In the meantime, a complaint was given by the de-facto complainant. Based on which, a case has been registered by the

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respondent police in Crime No.1226 of 2020 for the offence punishable under Sections 366(A) IPC r/w.5(j)(ii), 5(l), 6 of POCSO Act 2012. Hence, the present petition is filed.

3.The learned counsel for the petitioner submitted that the petitioner was convicted by the learned trial judge, for the alleged offence under Sections 5(l), 5(j)(ii) of POCSO Act, and sentenced him to undergo 20 years rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo rigorous imprisonment for one year and under Section 361 of IPC punishable under Section 363 of IPC sentenced him to undergo 5 years rigorous imprisonment with fine of Rs.5,000/- in default to undergo rigorous imprisonment for one year. Set off under Section 428 Cr.P.C. is also ordered.

4.The learned counsel for the petitioner submitted that the victim girl was aged about 17 years at the time of occurrence. Even as per her own statement, she was in love with the petitioner herein and later they had physical contact with the consent of each other.

5.Per contra, the learned Additional Public Prosecutor appearing for the respondent police would submit that even though it is admitted by the victim girl that she was in lover with the petitioner, she was below 18 years. Hence, he prays for dismissal of the petition.

6.On reading of the statement of the victim girl before the Court indicates that it is a love affair between herself and the petitioner herein and the stayed in Triuppur



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for some time and cohabited with each other for several times. The fact remains that whether the petitioner was aware that at the time of occurrence the victim girl is only 17 years and the said fact is the matter for consideration in this appeal.

7. Considering the facts and the circumstance of this case, considering the period of incarceration and there are arguable points involved in this Criminal Appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future, hence, the petitioner is entitled to the relief of grant of suspension of sentence.

8. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal with the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and



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(iii) The petitioner shall appear before the concerned Court once in a week at 10.30 a.m. pending appeal.

sd/-
06/09/2024

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06 / 09 / 2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

NS

TO

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

2. THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION
KUMBAKONAM
PATTEESWARAM POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-10959[I] dated 06/09/2024)
<https://www.mhc.tn.gov.in/judis>



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ORDER
IN
CRL.M.P(MD)No.8260 of 2024
IN
CRL.A(MD)No.1121 of 2023
Date :06/09/2024

PSP/ /SAR /06.09.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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