



CRL MP(MD) No.8718 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.8718 of 2024

in

CRL A(MD) No.691 of 2024

RAJA

... PETITIONER/1ST ACCUSED

Vs

THE INSPECTOR OF POLICE
SANARPATTI POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.247/2022

... 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 of Imprisonment imposed by the Learned Sessions Judge, Mahila Fast Track Court, Dindigul in Spl.S.C.No.213 of 2023 dated 04.07.2024 and enlarge the petitioner / Appellant on bail, pending disposal of the above said Crl.A.

Prayer in CRL A(MD) No.691 of 2024 :

To set aside the Judgment and Conviction made in Spl.S.C.No.213 of 2023 dated 04.07.2024 on the file of the Learned Sessions Judge, Mahila Fast Track Court, Dindigul 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 MR.P.MANIKANDAN, Advocate for the petitioner and of MR.M.SAKTHI KUMAR, Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-



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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed against the petitioner, by the learned Sessions Judge, Mahila Fast Track Court, Dindigul, dated 04.07.2024, in Special S.C.No.213 of 2023 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 6 of POCSO Act and sentenced him to undergo 20 years rigorous imprisonment and to pay a fine of Rs.2,000/- in default to undergo six months simple imprisonment Set off under Section 428 Cr.P.C. is also ordered.

3.The learned counsel appearing for the petitioner submits that at the time of marriage, the victim girl was aged about 16 years. Without noticing the age of the victim girl, marriage was performed between the petitioner and the victim girl. Though the accused 2 and 3 were acquitted by the trial Court, the petitioner alone was convicted for the offence under Section 6 of the POCSO Act and sentenced to undergo 20 years rigorous imprisonment. He further submits that there was no previous enmity with the victim girl's family and it was an arranged marriage. Hence, he prays for suspension of sentence imposed on the petitioner.

4.Heard the learned Government Advocate (Crl. Side).

5.Whether the marriage was performed between the petitioner and the victim



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girl, after fully knowing that she was aged below 18 years, is the matter for consideration in the appeal. Further, the appeal is not likely to be taken up for final hearing in the near future.

6. Therefore, considering the nature of allegation and also considering the period of incarceration, this Court is inclined to suspend the sentence imposed on the petitioner.

7. Accordingly, this Criminal Miscellaneous 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 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 Sessions Judge, Mahila Fast Track Court, Dindigul and on further condition that the petitioner appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the appeal.

sd/-
27/08/2024

/ TRUE COPY /

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

WEB COPY

1 THE SESSIONS JUDGE, MAHILA FAST TRACK COURT, DINDIGUL.

2 THE INSPECTOR OF POLICE, SANARPATTI POLICE STATION,
DINDIGUL DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

ORDER

IN

CRL MP(MD) No.8718 of 2024

in

CRL A(MD) No.691 of 2024

Date :27/08/2024

RS//SAR-(27.08.2024) 4P 5C

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