



CRL MP(MD) No.12045 of 2023

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

Thursday, the Fourth day of July Two Thousand and Twenty Four

PRESENT

**The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
and
The Hon`ble Mr.Justice K. RAJASEKAR**

**CRL MP(MD) No.12045 of 2023
IN
CRL A(MD)No. 746 of 2023**

T.KANNAN

... APPELLANT/SOLE ACCUED

Vs

**THE INSPECTOR OF POLICE
SEITHUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.147/2015).**

... 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 passed against the petitioners by the learned Special Court for Exclusive Trial of cases under POCSO Act, Thoothukudi District in Spl.SC.No.109 of 2019 dated 17.03.2023 pending disposal of the above criminal appeal

PRAYER IN CRL A(MD)No. 746 of 2023:

Pleased to call for the records relating to the Spl.S.C.No. 109 OF 2019 dated 17.03.2023 on the file of the Learned Special Court for Exclusive Trial of Cases Under Pocso Act, Thoothukudi District and set aside the same by allowing this Criminal 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.SINGARVEL.P, Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The present petition has been filed by the appellant/sole accused to suspend the sentence imposed on him by the learned Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi District in Spl.S.C.No.109 of 2019, dated 17.03.2023.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence imprisonment of	Fine amount
450 I.P.C.	To undergo 10 years Rigorous Imprisonment	Rs.5,000/- in default to undergo six months simple imprisonment
305 IPC	To undergo Life Imprisonment	Rs.5,000/- in default to undergo six months simple imprisonment

3. The learned counsel for the petitioner would submit that though a Dying Declaration said to have been recorded from the victim, the victim has not spoken about any sexual assault and no evidence has been let in to prove that the petitioner has abetted the victim child to commit suicide. He would further submit the Dying Declaration is also doubtful and thereby he would seeks for suspension of sentence.

4. The respondent filed counter. The learned Additional Public Prosecutor



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appearing for the respondent would submit that the petitioner, who is the neighbour of the victim child, has scaled the compound wall and molested her and also attempted to commit sexual assault on her. Due to that incident, the victim child had committed suicide by self-immolation. He would further submit that the trial Court had acquitted the accused in respect of the offence under Section 4 of POCSO Act, however, he has been found guilty and convicted under Sections 450 and 305 of IPC.

5. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and gone through the evidence and judgment of the trial Court.

6. We find that this is not a fit case for grant of suspension of sentence. Hence, this petition is dismissed.

sd/-
04/07/2024

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/07/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AM
TO

1 THE SPEICAL JUDGE
FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
THOOTHUKUDI DISTRICT.

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



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- 2 THE INSPECTOR OF POLICE
SEITHUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON,
PALAYAMKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.12045 of 2023
IN
CRL A(MD)No. 746 of 2023
Date :04/07/2024

PKP/GS/SAR /12.07.2024/ 4P/5C
Madurai Bench of Madras High Court is issuing certified
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