



CRL MP(MD) No.8994 of 2024

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

Wednesday, the Twenty Fifth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.8994 of 2024

in

CRL A(MD) No.711 of 2024

SUBRAMANIYAN

... PETITIONER/ APPELLANT/ ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.
(CRIME NO.5/2022)

... RESPONDENT/RESPONDENT/COMPLAINANT

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 delivered in Spl.SC.No.157/2022 on the file of Special Court for POCSO Cases, Tuticorin, Tuticorin District passed in Judgment dated 19/08/2024 till the disposal of the main appeal.

Prayer in CRL A(MD) No.711 of 2024 :

To set aside the Judgment passed in Spl.S.C.No.157/2022 dated 19.08.2024, on the file of the Special Court for POCSO Cases, Tuticorin, Tuticorin District and Acquit the above Accused from the charges.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.KA.RAAMAKRISHNAN, 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:-

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



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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the Sessions Judge, Special Court for POCSO Act Cases, Tuticorin, dated 19/08/2024, in Special SC No.157 of 2022 and enlarge the petitioner on bail pending disposal of the Appeal.

2.The case of the prosecution is that on 15/04/2022, the parents of the victim girl went to attend the function in a nearby village. At about 2.00 pm, the victim girl went back side of the house for answering natural's call. At that time, the accused came there, misbehaved with her sexually and placed his hands on the private part and tried to sit on her. It was intimated to the father and villagers. The villagers caused assault over the misbehaviour. In continuation of the above said occurrence, at 03.00 pm on the very same day, A1 along with her minor son went to the house of the victim girl and the minor caused assault to the victim girl. A2 caused assault to the mother of the victim with hands. Upon the occurrence, a case in Crime No.5 of 2022 was registered by the respondent police for the offence under section 7 r/w 8 of the POCSO Act, 2012.

3.After completion of the investigation, charge sheet was filed before the Sessions Judge, Special Court for POCSO Act cases, Tuticorin for the offence under section 8 of the POCSO Act and it was taken on file in SC No.157 of 2022.

4.On the side of the prosecution, 17 witnesses were examined and 15



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documents were marked. On the side of the accused, no oral and documentary evidence was adduced.

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5.At the conclusion of trial process, the trial court found guilty of the petitioner for the offence and sentenced him to undergo 5 years RI and to pay a fine of Rs.10,000/-, in default to undergo one month SI for the offence under section 8 of POCSO Act.

6.Challenging the conviction and sentence, this appeal is preferred by the appellant/A1. Pending appeal, this criminal miscellaneous petition was taken out by the petitioner/A1 seeking suspension of sentence.

7.Heard both sides.

8.The learned counsel appearing for the petitioner would submit that the victim girl was love with PW4; After that relationship broken, fell in love with the petitioner; That fact was admitted by PW4 during the course of evidence; Assault made was suppressed by the prosecution.

9.Per contra, the learned Government Advocate (Criminal side) would submit that only because of the misbehaviour of the accused with the victim girl, the assault happened, it is subsequent to the present occurrence. So no indulgence need be shown.

10.The learned counsel appearing for the petitioner has produced the copy of



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the FIR in Crime No.189 of 2022, which is the occurrence said to have been taken place on 15/06/2022.

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11. But it is seen that it is subsequent to the present occurrence. We will see whether the victim girl fell in love with the petitioner after breaking her love with PW4. But nothing like was suggested to the victim girl. It has been simply stated that enmity occurred between the parties, because her brother and one Veeramanikandan were playing cards. When that was questioned, the present false complaint has been given. Absolutely, there is no motive except the above said fact.

12. Considering the manner in which the above said occurrence took place and considering the fact that the judgment is of the recent origin, this court is not inclined to exercise the discretion in favour of the petitioner.

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

sd/-

25/09/2024

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/10/2024

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,
THOOTHUKUDI.



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2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
PUDUKKOTTAI, PUDUKKOTTAI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

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

ORDER
IN
CRL MP(MD) No.8994 of 2024
in
CRL A(MD) No.711 of 2024
Date :25/09/2024

RS/JGB/SAR-(17.10.2024) 5P 5C
Madurai Bench of Madras High Court is issuing
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