



CRL MP(MD) No.9630 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.9630 of 2024

in

CRL A(MD)No.747 of 2024

MATHANKUMAR

... PETITIONER/APPELLANT

Vs

THE STATE OF TAMIL NADU  
REP BY THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION, VADAMADURAI,  
DINDIGUL.  
CRIME NO. 05 OF 2023

... 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 imposed on the petitioner by the learned Special court for POCSO Act cases, Dindigul dt.14.05.2024 made in Spl S.C No. 277/2023 on its file and release the petitioner on bail pending disposal of the above criminal appeal on the file of this Hon'ble Court.

PRAYER in CRL A(MD)No.747 of 2024:

To set aside the judgment of conviction dated 14.05.2024 passed by the Special Court(POCSO Act Cases) made in Spl.S.C.No.277 of 2023 on its file, in so far as convicting the appellant herein under Sec.6 of the Protection of Child from Sexual Offences Act 2012, sentencing him to undergo rigorous imprisonment for 20 years and imposing a fine of Rs.1,000/-, in default to pay the fine amount, to undergo 6 months simple imprisonment, allow the above 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 Mr.V.JANAKIRAMULU, 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:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Sessions Judge, Special Court for POCSO Act Cases, Dindigul dated 14.05.2024, in Spl.S.C.No.277 of 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 was born on 27.05.2008. On the date of occurrence, she was a minor. On 16.02.2022, the accused person performed marriage with the minor girl in a temple. Later they settled in Vedasandur, Kasaa Nagar by taking house for rent. During that period, the victim girl was subjected to sexual assault and because of the physical relationship, she became pregnant and admitted in the Government Hospital, Dindigul for delivery on 28.03.2023. A male child was born on 30.03.2023. Finding that on the date of alleged marriage, she was a minor, the prosecution has initiated action against the petitioner. On the basis of the complaint, a case in Crime No.05 of 2023 was registered.



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3. However, conviction and sentence was imposed upon the petitioner for the offences under Section 6 of the Protection of Child from Sexual Offences Act, 2012, sentenced to undergo 20 years of rigorous imprisonment and imposed a fine of Rs.1000/- in default to pay the fine amount, to undergo 6 months simple imprisonment.

4. Learned counsel for the petitioner would submit that eventhough the victim girl was minor at the time of occurrence, it is a marriage performed with the consent of family members of both sides and a child was also born.

5. The victim girl is present before this Court along with the child. On enquiry with the victim girl, she has stated that without knowing the legal consequences, the marriage was performed and after the marriage she was living with the petitioner only. Now she is living with her parental home.

6. Whether the minority of the victim girl was brought to the notice of the appellant on the date of occurrence is the only point to be considered in the appeal.



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7. 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 fact the petitioner are already enlarged on bail by the trial Court, 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 condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judge, Special Court for POCSO Act, Dindigul, and on further condition that the petitioner shall appear before the said Court once in a week at 10.30 a.m. pending appeal.

sd/-  
25/09/2024

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/09/2024

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

PNN

TO

1 THE JUDGE,  
SPECIAL COURT(POCSO ACT CASES), DINDIGUL.



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2 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
VADAMADURAI,  
DINDIGUL.

3 THE SUPERINTENDENT  
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.V.JANAKIRAMULU, Advocate ( SR-11741[I] dated 25/09/2024 )

ORDER  
IN  
CRL MP(MD) No.9630 of 2024  
in  
CRL A(MD)No.747 of 2024  
Date :25/09/2024

SS/SAR- /25/09/2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023