



CRL MP(MD) No.9383 of 2024

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

Thursday, the Seventh day of November Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
and
The Hon`ble Ms.Justice R. POORNIMA

CRL MP(MD) No.9383 of 2024
in
CRL A(MD)No.436 of 2023

JOSEPH RAJA

... PETITIONER/PETITIONER/ APPELLANT

Vs

THE STATE OF TAMILNADU
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.9/2022).

... RESPONDENT/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 imposed on the appellant/accused in Spl.SC.No.84/2022 on the file of the Spl. Court of Exclusive Trial of Cases under POCSO Act, Srivilliputhur, dated 20/4/2023 and enlarge him on bail pending disposal of the instant Crl.A.

PRAYER in CRL A(MD)No.436 of 2023:

To admit this appeal and call for the records pertaining to Special Sessions Case No.84/2022 on the file of the Special Court of Exclusive Trial of cases under POCSO Act, Srivilliputhur.



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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.SAMIDURAI.K, Advocate for the petitioner and of Mr.S.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondent, the Court made the following order:-

Heard both sides.

2. The petitioner was found guilty of the offence under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to life imprisonment vide judgment dated 20.04.2023 in Special S.C.No.84 of 2022. Seeking suspension of sentence, this criminal miscellaneous petition has been filed.

3. We heard the learned counsel appearing for the petitioner at length.

4. We are not swayed by the said submissions. As rightly pointed out by the learned Additional Public Prosecutor, the victim child (intellectually challenged) had directly implicated the petitioner herein. Therefore, the petitioner's contentions will have to be heard only in the main appeal. We also notice that the petitioner had earlier filed a similar petition and the same was dismissed as withdrawn vide order



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dated 17.04.2024 in Crl.M.P.(MD)No.11709 of 2023. This criminal miscellaneous

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petition is dismissed.

sd/-

07/11/2024

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/11/2024

Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

PMU

TO

1 THE JUDGE,

SPECIAL COURT OF EXCLUSIVE TRIAL OF CASES

UNDER POCSO ACT, SRIVILLIPUTHUR.

2 THE INSPECTOR OF POLICE,

ALL WOMEN POLICE STATION,

RAJAPALAYAM, VIRUDHUNAGAR 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.9383 of 2024

in

CRL A(MD)No.436 of 2023

Date :07/11/2024

SS/SKN/SAR- /14/11/2024/ 3P/5C

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