



CRL MP(MD) No.9770 of 2024

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

Tuesday, the Fifteenth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN
and
The Hon`ble Ms.Justice R. POORNIMA

CRL MP(MD) No.9770 of 2024
in
CRL A(MD) No.19 of 2023

DEVAKUMAR

... PETITIONER/PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ALANGULAM,
TIRUNELVELI DISTRICT.
CRIME NO. 24/2017

... RESPONDENT/RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to relax the condition imposed upon the Crl M.P (MD) No. 13830/2023 in Crl A (MD) No. 19/2023 dt. 05.07.2024 pending disposal of the criminal appeal.

Prayer in CRL MP(MD).13830/2023 :

To suspend the sentence imposed upon the petitioner by the Sessions Court (Special Court for POCSO Act Cases), Tirunelveli in Spl.S.C.No.70/2019 dated 29.11.2022 pending disposal of the Criminal appeal.

Prayer in CRL A(MD) No.19 of 2023:

To call for the records and set aside the conviction and sentence passed by the Sessions Court (Special Court for POCSO Act Cases), Tirunelveli in Spl.C.No.70 of 2019 dated 29.11.2022.

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



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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.T.LENINKUMAR, Advocate for the petitioner and of MR.T.SENTHIL KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed seeking to relax the condition imposed by order dated 05.07.2024 in CrI.M.P(MD) No.13830 of 2023 while granting suspension of sentence in CrI.A(MD) No.19 of 2023.

2.The petitioner had been convicted in Spl.S.C. No. 70 of 2019 vide judgment dated 29.11.2022 by the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli for the offence under Section 341 of IPC and sentenced to undergo one month rigorous imprisonment and also convicted for the offence punishable under Section 6 of POCSO Act and sentenced to undergo life imprisonment, to pay a fine of Rs.25,000/- in default to undergo one year rigorous imprisonment.

3.We sought a report about the status of the victim child .

4.A report had been filed by the Inspector of Police, All Women Police Station, Alangulam, Tenkasi District , wherein it had been stated that the child had been paid compensation of Rs.7,00,000/-through Bank. Further after the death of her father, she had been forced to marry another person who had already married two other women. She had also refused to live with him and is living separately with her own son doing beedi work. The son is studying in a nursery School at Alangulam.

5.The learned counsel appearing for the petitioner stated that the petitioner is



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suffering owing to the condition imposed while granting suspension of sentence namely to stay at Chennai and report before the Inspector of Police, Selaiyur Police Station, Chennai daily at 10.30a.m., until further orders. In the affidavit filed it had been stated that he could not attend his work and he has lost his earning and that his family is in a stringent financial crisis

6.Taking into consideration all the factors we modify the condition no.9(iii) and direct the petitioner to stay at Madurai and report before the Inspector of Police, Othakadai Police Station, Madurai every Saturday at 10.30 am., until further orders.

sd/-
15/10/2024

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/10/2024

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

TO

1 THE SESSIONS JUDGE, (SPECIAL COURT FOR POCSO ACT CASES),
TIRUNELVELI.

2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, ALANGULAM,
TIRUNELVELI DISTRICT.

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

COPY TO

1 THE INSPECTOR OF POLICE, SELAIYUR POLICE STATION, CHENNAI.



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2 THE INSPECTOR OF POLICE, OTHAKADAI POLICE STATION, MADURAI.

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+1 CC to M/s.T.LENINKUMAR, Advocate (SR-12509[I] dated 16/10/2024)

ORDER

IN

CRL MP(MD) No.9770 of 2024

in

CRL A(MD) No.19 of 2023

Date :15/10/2024

RS/VR/SAR-(17.10.2024) 4P 7C

Madurai Bench of Madras High Court is issuing
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