



CRL.M.P.(MD)No.9356 of 2024

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

Friday, the Twentieth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL.M.P.(MD)No.9356 of 2024

in

CRL.A.(MD)No.729 of 2024

RAMKUMAR ... PETITIONER/ APPELLANT/ SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE,  
SEMPATTI POLICE STATION,  
DINDIGUL DISTRICT.

CRIME NO. 141 OF 2021 ... 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 petitioner by the Honble Fast Track Mahila court, Dindigul in Spl S.C No. 110 of 2023 by the judgment dt. 06.08.2024 and enlarge the petitioner on bail pending disposal of this criminal appeal.

Prayer in CRL.A.(MD)No.729 of 2024:

Pleased to call for records and allow this appeal and set aside the judgment and conviction dated 06.08.2024 passed by the Fast Track Mahila Court, Dindigul in Spl.S.C.No.110 of 2023 and acquit the appellant.

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.K.R.MANIMARAN, Advocate for the petitioner and of Mr.M.SAKTHI KUMAR,



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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 Fast Track Mahila Court, Dindigul, dated 06.08.2024 in Spl.S.C.No.110 of 2023 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

2. The defacto complainant who is the mother of the victim, lodged a complaint stating that the victim was aged about 17 years at the time of occurrence. She was found missing on 17.03.2021. A case was registered in Crime No. 141 of 2021, for the offence of Girl Missing. During the course of investigation it was found that on 12.03.2021, when the victim girl was staying in her paternal uncle's house, the accused kidnapped her to Tiruppur. He arranged a rented house, subjected the victim girl to sexual abuse, on a false promise of marriage. So the case was altered to Sections 5(1)(j)(ii) read with Section 6 of POCSO Act.

3. The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial judge, for the alleged offence under Section 363 of IPC and sentenced him to undergo four years rigorous imprisonment and to pay a fine of Rs.2,000/- in default to undergo 6 months simple imprisonment and also convicted for the offences punishable under Section 6 of POCSO Act and sentenced him to



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undergo 20 years rigorous imprisonment and to pay a fine of Rs.3,000/- in default to undergo another 6 months simple imprisonment. The sentences were ordered to run concurrently. Set off under Section 428 Cr.P.C. is also ordered.

4. Seeking suspension of sentence this petition has been filed by the petitioner stating that before the date of the complaint, the petitioner married the victim girl and begotten a child also. The affair was not liked by the parents. Because of the compulsion on the part of the parent only the case was registered. The victim girl was produced before this Court and stated that she was married even before the date of the complaint after that she begotten a child and now she is living with the petitioner. The trial Court on the premise that she was aged about 16 years at the time of occurrence, disbelieved the love affair and consensual sexual intercourse.

5. However, considering the fact that the victim girl is living with the petitioner along with the child, whether the victim girl's correct age was brought to the notice of the petitioner at the time of alleged marriage is the only point to be considered at the time of appeal.

6. 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



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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 Fast Track Mahila Court, 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/-  
20/09/2024

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20/09/2024  
Sub-Assistant Registrar  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

PNN  
TO  
1 THE JUDGE,  
FAST TRACK MAHILA COURT, DINDIGUL.

2 THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,  
SEMPATTI POLICE STATION,  
DINDIGUL DISTRICT.

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

+1 CC to M/s.K.R.MANIMARAN, Advocate ( SR-11509[I] dated 20/09/2024 )



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ORDER  
IN  
CRL.M.P.(MD)No.9356 of 2024  
in  
CRL.A.(MD)No.729 of 2024  
Date :20/09/2024

SA/SAR. /20.09.2024/5P/6C

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