



CRL MP(MD) No.10712 of 2024

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

Friday, the Eighteenth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.10712 of 2024

IN

CRL A(MD) No.161 of 2024

MURUGAN

... PETITIONER/ ACCUSED NO.1

Vs

THE STATE OF TAMIL NADU
REP BY THE INSPECTOR OF POLICE,
KEERIPARAI POLICE STATION,
NAGERCOIL DISTRICT.
CRIME NO.61/2014

... 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 of imprisonment imposed by the learned Special court for POCSO cases, Nagercoil in Spl S.C No. 2/2014 by the judgment dt. 21.09.2023 and enlarge the petitioner on bail pending disposal of the above said criminal appeal.

PRAYER IN CRL A(MD) No.161 of 2024:

To call for the records and to set aside the Judgment and Conviction dated 21.09.2023 by the Learned Special Court for POCSO Act Cases, Nagercoil in Spl.S.C.No.2/2014 and acquit the Appellant.

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.M.MAHARAJA, 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:-



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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Special Court for POCSO Cases, Nagercoil, in Spl.S.C.No.2 of 2014 dated 21.09.2023.

2. learned counsel for the petitioner submitted that the petitioner, who is the accused in this case, has been found guilty and convicted by the learned judge, for the offence under Section 5(l) r/w 6 of POCSO Act, sentenced to undergo 23 years of rigorous imprisonment and imposed a fine of Rs.5000/-, in default to undergo one year rigorous imprisonment and for the offence under Section 366 of IPC, sentenced to undergo 7 years of rigorous imprisonment and to pay a sum of Rs.5000/-, in default, to undergo one year rigorous imprisonment. Set off under Section 428 Cr.P.C. was also ordered.

3. The case of the prosecution is that the accused is the husband of victim's mother's sister. On 27.04.2014 at about 2.30 p.m., the accused with an intention to marry the victim girl, kidnapped her and subjected her to sexual intercourse. On that basis a case in Crime No.61 of 2014 was registered and final report was also filed before the trial court after completing the investigation process.



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4. Before the trial Court, on the side of the prosecution 18 witnesses have been examined, 22 documents were marked. On the side of the accused 2 witnesses were examined and 5 documents were marked.

5. Challenging the above said conviction and sentence, appeal has been preferred by the petitioner / accused. Pending appeal, the petitioner has filed a petition seeking suspension of sentence.

6. Learned counsel for the petitioner would submit that the age of the victim was 18 years and above, at the time of occurrence. It is nothing but a consensual relationship between the petitioner and the victim girl.

7. Learned Government Advocate (Crl.) would submit that the victim girl is aged 17+ years at the time of occurrence. The case of the prosecution is established even from the medical evidences. Injuries were found in the private part of the victim. So no interference is required.

8. The judgment of the trial Court shows that the victim is the close relative of the accused. As stated above, the victim girl would be daughter by relationship to



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the accused. But inspite of the above said prohibitory relationship, it appears that with an intention to marry her, she was kidnapped to various places and subjected to sexual intercourse. The manner in which the offence said to have been committed disentitles the petitioner from claiming the discretionary relief of suspension of sentence.

9. I find absolutely no reason to entertain this petition. Accordingly, this Criminal Miscellaneous Petition is dismissed.

sd/-
18/10/2024

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/10/2024
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN

TO

1. THE JUDGE, SPECIAL COURT FOR POCSO ACT CASES, NAGERCOIL
2. THE INSPECTOR OF POLICE,
KEERIPARAI POLICE STATION,
NAGERCOIL DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI.



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

ORDER
IN
CRL MP(MD) No.10712 of 2024
IN
CRL A(MD) No.161 of 2024
Date :18/10/2024

RK/MMS (29/10/2024) 5P / 5C

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