



CRL MP(MD) No.13843 of 2023

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

Friday, the Eighth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.13843 of 2023

IN

CRL A(MD)No. 890 of 2023

VEERA MUTHU PANDI

... PETITIONER/ APPELLANT

Vs

**THE INSPECTOR OF POLICE
PARAMAKUDI ALL WOMEN POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.25 OF 2020.**

... 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 vide conviction judgment dt.11.4.2023 made in Spl.SC.No.42 of 2021 on the file of the Learned Fast Track Mahila Court,Ramanathapuram District pending disposal of the above Criminal Appeal.

PRAYER IN CRL A(MD)No. 890 OF 2023:

Pleased to call for the records and set aside the conviction and sentence judgment dated 11.04.2023 made in Spl.S.C.No.42 of 2021 on the file of the Fast Track Mahila Court, Ramanathapuram and to 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 **M/S.JEYAKARTHIK M.S.,** Advocate for the petitioner and of



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MR.M.MUTHUMANIKKAM, Government Advocate (Criminal Side) on behalf of the Respondents, the court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence imposed on him by the learned Sessions Judge, Fast Track Mahila Court, Ramanathapuram, in Spl.S.C.No.42 of 2021 dated 11.04.2023 and to enlarge him on bail, pending disposal of the Criminal Appeal.

2. It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner in Crime No.25 of 2020, on the file of the respondent/Inspector of Police, All Women Police Station, Paramakudi, Ramanathapuram District, for the offences punishable under Section 506(i) of IPC and Section 8 of 'the Protection of Children from Sexual Offences Act, 2012' [hereinafter referred to as 'POCSO Act' for the sake of brevity] and the same was taken on file in Spl.S.C.No.42 of 2021 before the learned Sessions Judge, Fast Track Mahila Court, Ramanathapuram. The petitioner was convicted and sentenced to undergo four years rigorous imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only) with six months simple imprisonment in case of default for the offence under Section 8 of POCSO Act. Challenging the above said conviction and sentence, the petitioner has preferred the Criminal Appeal along with the present

Criminal Miscellaneous Petition seeking suspension of sentence.

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



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3. The learned counsel appearing for the petitioner would submit that the trial Court failed to note down that even according to the prosecution case, no sexual assault for incriminating the petitioner under Sections 7 and 8 of POCSO Act was made out. He further submitted that the petitioner did not commit the alleged offence. The defacto complainant's relative contested in the panchayat President election, in which, the petitioner worked in favour of the rival candidate. In view of the said rivalry, a false complaint was lodged as against the petitioner. Further, there is a huge contradiction between the 164 statement and evidence of P.W.1. There is no evidence to prove the charge levelled against the petitioner. He also submitted that the petitioner is in judicial custody from 11.04.2023. Hence, the learned counsel prays for suspension of sentence of the petitioner.

4. The learned Government Advocate (Crl. side) appearing on behalf of the respondent vehemently opposed this petition informing that the allegations levelled against the petitioner/accused are serious in nature. At the time of occurrence, the victim girl was a minor and hence, prays to dismiss the petition.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the State and perused the materials available on record.



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6. This Court finds force in the submission of the learned counsel for the petitioner and hence, this Court is of the prima facie view that there are arguable points involved in this Criminal Appeal. Moreover, the petitioner has been incarcerated from 11.04.2023 and further the Criminal Appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Sessions Judge, Fast Track Mahila Court, Ramanathapuram, in Spl.S.C.No.42 of 2021 dated 11.04.2023 alone is suspended, subject to the following stringent conditions :-

i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Ramanathapuram;

ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

iii) The petitioner shall appear and sign before the concerned Court daily at 10.30 a.m. and 5.30 p.m., till the disposal of the appeal.



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iv) The petitioner shall furnish his residential address and mobile number to the Trial Court i.e., learned Sessions Judge, Fast Track Mahila Court, Ramanathapuram.

8. Subject to the above conditions, this Criminal Miscellaneous Petition is allowed.

sd/-
08/03/2024

/ TRUE COPY /

13/03/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RM
TO

- 1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
RAMANATHAPURAM DISTRICT.
- 2 THE INSPECTOR OF POLICE
PARAMAKUDI ALL WOMEN POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-2949[I] dated 08/03/2024)

ORDER

IN

CRL MP(MD) No.13843 of 2023

IN

CRL A(MD)No. 890 of 2023

Date :08/03/2024

PKP/13.03.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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