



CRL MP(MD) No.13301 of 2023

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

Friday, the Twenty Third day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

Crl.M.P.(MD) No.13301 of 2023
in
Crl.A(MD) No.425 of 2023

ANANDAKUMAR

... PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE
ERIODU POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.579 OF 2021.

... RESPONDENT/ RESPONDENT

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 Petitioner by the Learned Fast Track Mahila Court,Dindigul in Spl.SC.No.97 of 2021 dt.17.11.2022 and enlarge the Petitioner on bail pending disposal of the Criminal Appeal.

PRAYER IN Crl.A(MD) No.425 of 2023:

To call for the records and set aside the judgment dated 17.11.2022 made in Spl.S.C.No.97 of 2021 on the file of the Learned Fast Track Mahila Court, Dindigul.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.HAROON RASHEED D.S., Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-



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The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence passed against him by the learned Fast Track Mahila Court, Dindigul, in Spl.S.C.No.97 of 2021 dated 17.11.2022 and to enlarge him on bail, pending disposal of the Criminal Appeal.

2. The petitioner stands convicted for the offence punishable under Section 363 of IPC and sentenced to undergo R.I. for 3 years with fine of Rs.3,000/- with default condition and under Section 6 of 'the Protection of Children from Sexual Offences Act, 2012' [hereinafter referred to as 'POCSO Act' for the sake of brevity] to undergo R.I. of 20 years and to pay a fine of Rs.20,000/- with 6 months simple imprisonment in default. The period of sentence was ordered to run concurrently. Challenging the above said conviction and sentence, criminal appeal has been preferred before this Court. Pending appeal, this criminal miscellaneous petition has been filed seeking suspension of sentence.

3. Learned counsel for the petitioner submitted that the petitioner and the victim girl were in love affair for the last four years and at the time of incident, the victim girl was aged above 18 years. The Court below has failed to appreciate the statement of the Medical Officer (P.W.13) that the victim girl is above 18 and below



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the age of 21. Hence, the provision under POCSO Act will not attract. He submits that the prosecutrix went along with the appellant on her own will and stay with him as both are having love affairs. Hence, the learned counsel prays for suspension of sentence of the petitioner.

4. The learned Additional Government Pleader appearing on behalf of the respondent vehemently opposes the bail application and submits that the prosecution has proved that, at the time of occurrence, the victim girl has not completed 18 years and she is a minor girl and hence, prays to dismiss the petition.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and perused the materials available on record.

6. On due consideration of the facts and circumstances of the case and having meticulously perused the evidence on record, without expressing any opinion on merits of the case, 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



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sentence imposed by the learned Judge, Fast Track Mahila Court, Dindigul, in Spl.S.C.No.97 of 2021 dated 17.11.2022 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 Judge, Fast Track Mahila Court, Dindigul;

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 learned Judge, Fast Track Mahila Court, Dindigul, on the first working day of every English calendar month at 10.30 a.m., until further orders.

iv) The petitioner shall furnish his residential address and mobile number to the Trial Court ie., Fast Track Mahila Court, Dindigul.



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allowed.

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

sd/-

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

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TO

1.THE JUDGE, FAST TRACK MAHILA COURT, DINDIGUL;

2.THE INSPECTOR OF POLICE
ERIODU POLICE STATION,
DINDIGUL DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

ORDER

IN

CrI.M.P.(MD) No.13301 of 2023

in

CrI.A(MD) No.425 of 2023

Date :23/02/2024

RK(23/02/2024) 5P / 5C

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