



CRL MP(MD) No.13306 of 2023

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

Tuesday, the Twelfth day of November Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD) No.13306 of 2023

in

CRL A(MD) No.210 of 2023

RAVICHANDRAN

... PETITIONER/ APPELLANT/ ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MANAPPARAI, TRICHY.
(CRIME NO.4/2019)

... 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 in imprisonment imposed by the learned Sessions Judge, Mahila Court, Tiruchirappalli made in Spl.SC.No.38/2019 by the Judgement dated 28/01/2023 and enlarge the petitioner/appeallant on bail,pending disposal of the above Criminal Appeal.

Prayer in CRL A(MD) No.210 of 2023 :

To call for records and set aside the Judgment and Conviction dated 28.01.2023 by the learned Sessions Judge, Mahila Court, Tiruchirappalli made in special Sessions Case No.38 of 2019 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.T.J.EBENEZER, 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 petition has been filed to suspend the sentence imposed by the learned Sessions Judge, Mahila Court, Tiruchirappalli, dated 28.01.2023, in Special S.C.No.38 of 2019.

2.The facts of the case is that the defacto complainant is the victim girl. At the time of occurrence, she was studying 9th standard in Balavituthi Government Higher Secondary School. Her father is the first accused in this case. On 30.04.2019, at 09.00 p.m, the first accused came home in inebriated moment with a liquor bottle. At about 11.00 p.m., when the victim girl and her mother namely Suseela and her brother were sleeping separately, the accused came near the victim girl and put his leg on her and committed penetrative sexual assault on her. Thereafter, the father, mother, sister and younger sister of the petitioner/first accused, who are the accused Nos.2 to 5 have also joined along with the first accused and threatened the victim's family with dire consequences. With the said allegation, FIR registered and the final report filed against him and other accused.

3. On receipt of the complaint, the respondent police registered the FIR in Crime No.04 of 2019 for the offences under Section 506(i) of IPC and Sections 3(c), 4, 5(1) and 6 of POCSO Act, 2012, against the petitioner.

4. The respondent police, after completing the investigation, has laid a final report for the offences under Section 506(i) of IPC and Sections 7, 8 and 17 of POCSO



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Act, 2012, against the petitioner and others before the learned Sessions Judge, Mahila Court, Tiruchirappalli. The learned Special Judge has taken the case on file in Spl.S.C.No.38 of 2019 and thereafter, conducted trial as per procedure stated in code of Criminal Procedure.

5.During the trial, the prosecution has examined 17 witnesses as P.W.1 to P.W.17 and exhibited documents as Ex.P.1 to Ex.P.11 and no Material Objects were marked, whereas, the accused has adduced neither oral nor documentary evidence.

6.The learned Sessions Judge after hearing arguments, altered the offences under Section 9(n) r/w 10 of POCSO Act. The learned Special Sessions Judge, upon considering the evidences adduced and on hearing the arguments on both the sides, acquitted the accused Nos.2 to 5 and convicted the petitioner/A1 for the offence under Section 9(n) r/w 10 of POCSO Act, 2012 and sentenced to undergo Rigorous Imprisonment for five years and also imposed a fine of Rs.5,000/- in default to undergo simple imprisonment for six months. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

7.The learned Counsel for the petitioner submits that the petitioner confined in prison till now and he has paid fine amount. Hence, he seeks to grant of suspension of sentence to the petitioner.



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8.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

9.This Court has carefully considered the rival submissions made by the learned counsel appearing on either side and also perused the materials available on record.

10.From the perusal of records, it is seen that the victim girl is studying 9th standard at the time of occurrence. The petitioner is the father of the victim. The petitioner/A1 is in custody from 28.01.2023. There is no reason sufficient enough to suspend the sentence. Hence, this Court is not inclined to suspend the sentence at the present stage.

11.Accordingly, this criminal miscellaneous petition is closed.

sd/-

12/11/2024

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/11/2024

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

vsg

TO

1 THE SESSIONS JUDGE, MAHILA COURT, TIRUCHIRAPPALLI.



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2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
MANAPPARAI, TRICHY.

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

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

+1. C.C. to M/S.T.J.EBENEZER, Advocate SR.No.13859[I] Dated 12/11/2024

ORDER

IN

CRL MP(MD) No.13306 of 2023

in

CRL A(MD) No.210 of 2023

Date :12/11/2024

RS/VR/SAR-(21.11.2024) 5P 6C

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