



CRL MP(MD) No.10282 of 2024

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

Wednesday, the Twenty Fifth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN
AND
The Hon`ble Ms.Justice R.POORNIMA

Crl.M.P(MD)No.10282 of 2024
in
Crl.A.(MD)No.820 of 2022

DHARMADURAI ... PETITIONER/ APPELLANT/ ACCUSED(SINGLE)

Vs

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUMANGALAM,
MADURAI DISTRICT.
CRIME NO.81 OF 2017.

... 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 enlarge the petitioner on interim bail for a period of 7days for funeral function of mother in law by suspending the sentence imposed by the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai in special S.C.No.67/2018 vide judgment dated 25.04.2022 pending the disposal of the main criminal appeal pending on the file of this Hon'ble Court.

Prayer in Crl.A(MD).820/2022:

Pleased to call for the entire records pertaining to the judgment delivered by the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai in

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



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Special S.C.No.67 of 2018 vide judgment dated 25.04.2022 and set aside the same and consequently 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.ANAND.R, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The Criminal Miscellaneous Petition has been filed by the wife of the convict prisoner, Dharmadurai, who is confined at Central Prison, Madurai. He had been convicted for the offence under Sections 5(l), 5(j)(ii) of POCSO Act and sentenced to undergo life imprisonment and pay fine of Rs.10,000/- and pay a compensation of Rs.50,000/- AND in default to undergo one year Rigorous imprisonment by the Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai in Spl.S.C.No.67 of 2018, by judgment, dated 25.04.2022.

2. This petition has been filed, since on 25.09.2024 the mother of the petitioner / mother-in-law of the convict prisoner, Dharmadurai had unfortunately died. Even though the petition has been filed seeking interim bail for 7 days, taking into consideration the fact that he has been convicted only on 25.04.2022 and had not undergone 3 years of imprisonment and moreover he has been convicted for the offence under POCSO Act, and taking into consideration all the factors, we would grant one day emergency leave on 26.09.2024.



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3. The learned counsel for the petitioner stated that an additional day may be granted. But unfortunately, it would only be appropriate that he takes leave for just one day, even though it is granted exercising our powers and discretion.

4. Accordingly, a direction is issued that the convict prisoner may be released from Central Prison, Madurai on one day emergency leave at 7.00 a.m. on 26.09.2024 along with appropriate escort and he may be brought back to Central Prison at Madurai at 6.00 p.m. on the same day/26.09.2024.

5. The learned counsel for the petitioner stated that there would be some family arrangements which would have to be made consequent to death of mother-in-law. In that connection, a separate petition may be filed and depending on the circumstances stated therein it would be examined independently.

6. Accordingly, this Criminal Miscellaneous Petition is allowed and the convict prisoner is granted emergency leave for one day with escort on the following conditions:-

(a)The detenu/Dharmadurai, Convict Prisoner, now detained in the Central Prison, Madurai, is granted emergency leave for one day at 7.00 a.m. on 26.09.2024

(b)The detenu shall be released from the prison at 07.00 a.m., on 26.09.2024 and he shall return back to the prison at 6.00



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p.m., on the same day/26.09.2024

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(c)The Superintendent, Central Prison, Madurai is directed to provide minimum escort to the convict from the Central Prison at the time when he leaves the prison and till such time, he is taken back to the prison. It is clarified that the cost involved in providing escort shall be borne by the petitioner.

sd/-
25/09/2024

/ TRUE COPY /

25/09/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

RM
TO

1 THE PRINCIPAL SPECIAL JUDGE
FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUMANGALAM,
MADURAI DISTRICT.

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

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



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COPY TO:

THE COURT MANAGER,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

(NOTE:Registry may also send the copy of this order through
e-mail to the Central Prison, Madurai, immediately.)

+2 CC to M/s.R.ANAND, Advocate (SR-11720[I] dated 25/09/2024)

ORDER
IN
Crl.M.P(MD)No.10282 of 2024
in
Crl.A.(MD)No.820 of 2022
Date :25/09/2024

SA/SAR. /25.09.2024/5P/8C

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