



CRL MP(MD) No.13634 of 2022

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

Friday, the Thirteenth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.13634 of 2022

IN

CRL A(MD) No.267 of 2022

NAGARAJAN

... PETITIONER / PETITIONER / APPELLANT

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUPPARANKUNDRAM,
MADURAI CITY.

... RESPONDENT / RESPONDENT /
COMPLAINANT

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 against the Petitioner in Spl.SC.No.5 of 2019 dt.21.2.2022 passed by the Learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Madurai and enlarge the Petitioner on bail pending disposal.

Prayer in CRL A(MD). 267/ 2022 :

To call for the records in Spl.S.C.No.5/2019 dated 21.02.2022 passed by the Learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Madurai and to set aside the same.

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.DINESH. K, Advocate for the petitioner and of Mr.M.SAKTHI KUMAR, Government Advocate



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(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 against the petitioner in Special S.C.No.5 of 2019, dated 21/02/2022 by the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Madurai and enlarge the petitioner on bail pending disposal of the criminal appeal.

2.The case of the prosecution is that the petitioner called the victim girl aged about 9 years very often and sexually abused her by giving 10 rupees or 20 rupees for each occasion and thereafter, threatened the victim girl that in case if she inform the incident to her parents, he would cut her throat.

3.On the basis of the complaint, FIR came to be registered in Crime No.9 of 2018 for the offence under sections 5(m),5(1) and 6 of the protection of Child From Sexual Offences Act, 2012 and subsequently, the case was altered into Sections 5(m), 5(1) and 6 of Protection of Child from Sexual Offences Act, 2012 and Section 506 (i) IPC. After completing investigation, the respondent police has laid the final report for the offences under sections 5(m), 5(1) and 6 of Protection of Child from Sexual Offences Act, 2012 and Section 506(i) IPC as against the petitioner/accused.



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4.To prove the prosecution case, 11 witnesses have been examined and 13 documents were marked, apart from that one Court exhibit as Ex.C1. On the side of the accused, one witness, but exhibit was marked.

5.At the conclusion of trial, the trial Court found that the case against the accused was proved, convicted this petitioner and sentenced to undergo rigorous imprisonment for 20 years and to pay a fine of Rs.5,000/- with default clause for the offence under section 5(m), 5(1) and 5(i) r/w 6 of POCSO Act.

6.Challenging the same, the accused has filed the appeal. Pending appeal, this miscellaneous petition is filed seeking suspension of sentence.

7.Heard both sides.

8.Perusal of the records shows that the appellant argued the main appeal before my predecessor and posted for respondent side argument. Now change of roster, the matter has to argue the main appeal, in the meantime, I find no specific ground made by the petitioner in this petition.



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9. Accordingly, this criminal miscellaneous petition dismissed. The appellant is directed to argue the main appeal afresh.

sd/-
13/09/2024

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/10/2024

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

ER

TO

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

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPPARANKUNDRAM,
MADURAI CITY.

3. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

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

ORDER
IN

CrI.MP(MD)No.13634 of 2022 in CrI.A(MD)No.267 of 2022

Date :13/09/2024



CRL MP(MD) No.13634 of 2022

WIR/MP(MD) RK/MMS (21/10/2024) 5P / 5C

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