



CRL MP(MD) No.15703 of 2022

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

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

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.15703 of 2022

in

CRL A(MD) No.862 of 2022

KARUPPASAMY

... PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE
SATTUR ALL WOMEN POLICE STATION,
VIRUDHUANGAR DISTRICT
(CRIME NO.12 OF 2018)

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to pass an order of suspend the sentence to suspend the sentence, imposed on the petitioner vide judgment dated 09.11.2022 made in Spl.SC.No.09 of 2019 on the file of the learned Special Court (POCSO Act Cases), Virudhunagar at Srivilliputhur enlarge the petitioner on bail pending disposal of the above criminal appeal.

Prayer in CRL A(MD) No.862 of 2022 :

To call for the records and set aside the conviction and sentence judgment dated 09.11.2022 made in Spl.S.C.No.09 of 2019 on the file of the Learned Special Court (POCSO Act Cases), Virudhunagar at Srivilliputhur and to 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.M.S.JEYAKARTHIK, Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor 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 by the Sessions Judge, Special Court for POCSO Act case, Virudhunagar @ Srivilliputhur in Special SC No.09 of 2019 and enlarge the petitioner on bail pending disposal of the above said Criminal Appeal.

2.The case of the prosecution brief:-

The de-facto complainant lodged a complaint stating that on 19/10/2018 in the morning, she went for shopping. At about 10.00 pm night, she returned to the house. At that time, the victim girl was crying. On enquiry, she told that at about 03.00 pm, when she went to backyard for nature's call, the accused person misbehaved with her sexually and committed sexual assault. When the neighbours gathered, the accused person fled away from that place. On the basis of the complaint given by the de-facto complainant, a case in Crime No.11 of 2018 for the offences under sections 7, 8, 11(1), and 12 of POCSO Act was registered.

3.After completion of the investigation, the respondent police filed a final report and the same has been taken cognizance in Special SC No.9 of 2019 by the Sessions Judge, Special Court for POCSO Act cases, Virudhu Nagar @ Srivilliputhur.

4.Before the trial court, on the side of the prosecution, 16 witnesses were examined and 15 documents were marked. On the side of the accused, no oral and documentary evidence was adduced.



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5. At the conclusion of the trial process, the trial court found the petitioner guilty of the offences and sentenced him to undergo 5 years RI and to pay a fine of Rs.5,000/-, in default to undergo 1 year SI for the offence under section 9(m) r/w 10 of POCSO Act; and sentenced to undergo 3 years RI and to pay a fine of Rs.3,000/-, in default to undergo 6 months SI for the offence under section 11(1) r/w 12 of POCSO Act and directed to run the sentences concurrently.

6. Challenging the conviction and sentence, this appeal is preferred by the appellant. Pending appeal, this criminal miscellaneous petition was taken out by the petitioner seeking suspension of sentence on the sole ground that the date of judgment is 09/11/2022; Ever-since he is in custody; considering the incarceration period, he may be enlarged on bail by granting suspension of sentence.

7. Per contra, the learned Additional Public Prosecutor would submit that sufficient evidence is let by the prosecution before the trial court to convict the petitioner under POCSO Act.

8. Reading of the evidence of the victim girl does indicate that she was only 10 years at the time of the occurrence, the petitioner alleged to have misbehaved sexually.

9. I find that this is not a fittest case to exercise the discretion to enlarge the petitioner on bail by granting suspension of sentence, considering the manner in



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which the above said offence said to have been committed by the petitioner.

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10. In the result, this criminal miscellaneous petition is dismissed.

sd/-

18/09/2024

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/10/2024

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

TO

- 1 THE JUDGE, SPECIAL COURT (POCSO ACT CASES),
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
- 2 THE INSPECTOR OF POLICE, SATTUR ALL WOMEN POLICE STATION,
VIRUDHUANGAR DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL MP(MD) No.15703 of 2022

in CRL A(MD) No.862 of 2022

Date :18/09/2024

RS/JGB/SAR-(17.10.2024) 4P 5C

Madurai Bench of Madras High Court is issuing
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