



CRL.M.P.(MD)No.12484 of 2024

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

Thursday, the Twenty First day of November Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

CRL.M.P.(MD)No.12484 of 2024

in

CRL.A.(MD)No.1011 of 2024

SUBRAMANI

... PETITIONER/ APPELLANT/
SOLE ACCUSED/ SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VADAMADURAI,
DINDIGUL DISTRICT.
CRIME NO. 03/2024

... RESPONDENT/RESPONDENT/
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 suspend the sentence imposed in Judgment dt. 14.10.2024 passed in Spl S.C No. 21/2024 on the file of the Sessions Judge, Fast Track Mahila court, Dindigul and enlarge the petitioner on bail.

Prayer in CRL.A.(MD)No.1011 of 2024:

Pleased to call for the records and set aside the judgment dated 14.10.2024 passed in Spl.S.C.No.21 of 2024 on the file of the Sessions Judge, Fast Track Mahila Court, Dindigul.

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



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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 Mr.J.LAWRANCE, Advocate for the petitioner and of Mr.M.SAKTHI KUMAR, Government Advocate(crl.side) on behalf of the Respondent, While admitting the Criminal Appeal, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence and fine passed by learned Sessions Judge, Fast Track Mahila Court, Dindigul, in Spl.S.C.No.21 of 2024 dated 14.10.2024 to enlarge the petitioner on bail till the disposal of the Criminal Appeal.

2. The case of the prosecution is that the petitioner is the sole accused in Spl.S.C.No.21 of 2024. The petitioner in the said Spl.S.C is facing charges under Sections 294(b) of IPC and Section 7 r/w 8 of the Protection of Children from Sexual Offences Act, 2012. As per the allegation, the victim girl is aged about 17 years at the time of occurrence. When the victim girl was in her house alone, the petitioner went to there and abused her in filthy language and insisted her to come along with him by stating that he would get a patta for her house. When the same was refused by the victim girl, he pulled her right hand with an intention to commit sexual assault.

3. On receipt of the complaint, the respondent police registered a case in Crime No.3 of 2024 for the offences under Sections 294(b) of IPC and Section 7 r/w 8 of the Protection of Children from Sexual Offences Act, 2012.



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4. The respondent police, after completing the investigation, has laid a final report for the offences under Sections 294(b) of IPC and Section 7 r/w 8 of the Protection of Children from Sexual Offences Act, 2012, before the learned Sessions Judge, Fast Track Mahila Court, Dindigul. The learned Special Judge has taken the case on file in Spl.S.C.No.21 of 2023 and thereafter, conducted trial as per procedure stated in code of Criminal Procedure.

5. During the trial, the prosecution has examined 18 witnesses as P.W.1 to P.W.7 and exhibited 8 documents as Ex.P.1 to Ex.P.8 and no Material Objects were marked, whereas, the accused has adduced neither oral nor documentary evidence.

6. The learned Special Sessions Judge, upon considering the evidences adduced and on hearing the arguments on both the sides, convicted the petitioner for the offence under Sections 294(b) of IPC and Section 7 r/w 8 of the Protection of Children from Sexual Offences Act, 2012, and sentenced him to undergo 3 months Rigorous Imprisonment and to pay a fine of Rs.1,000/- in default, to undergo 2 weeks Simple Imprisonment for the offence under Section 294(b) of IPC and also sentenced him to undergo 3 months Rigorous Imprisonment and to pay a fine of Rs.10,000/- in default, to undergo 6 months Simple Imprisonment for the offence under Section 7 r/w 8 of the Protection of Children from Sexual Offences Act, 2012.

7. Thereafter, the petitioner filed an application in Cr.M.P.No.1304 of 2024



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before the Trial Court seeking suspension of sentence. By the order dated, 14.10.2024, the trial Court has also suspended the above said sentence against the petitioner in Spl.S.C.No.21 of 2024 till the filing of Criminal Appeal within 60 days from the date of said judgment.

8. 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.

9. The learned Counsel for the petitioner submitted that earlier he filed a writ petition against P.W.2, who is the mother of the victim girl to remove the encroachment. Due to that motive, she made a false complaint against him. He further submitted that the entire reading of the evidence did not disclose the offence of sexual assault. As per the allegation, he only pulled the hands of the victim girl and fled away from the scene of occurrence. Even as per the allegation, the offence under Sections 7 r/w 8 of POCSO Act, 2012, is not made out. He would further submit that a number of contradictions between the evidences regarding the alleged occurrence. Even the allegation alleged against the petitioner is that he only pulled her hands. In the said circumstance, the offence is not made out against the petitioner. Hence, he seeks to grant of suspension of sentence to the petitioner.

10. The learned Government Advocate (Crl.Side) appearing for the respondent



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would submit that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

11. This Court has carefully considered the rival submissions by either side and also perused the materials available on record.

12. Considering the facts and circumstances of the case and also considering the fact that the trial Judge has already granted interim suspension of sentence to the petitioner in Cr.M.P.No.1304 of 2024 dated 14.10.2024, and there is no antecedent against the petitioner and certain infirmities, inconsistencies and contradictions in material particulars brought to the knowledge of this Court, this Court prima facie feels that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future. Hence, this Court is inclined to grant of suspension of sentence.

13. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Dindigul.

(ii) The sureties shall affix their photographs and Left Thumb



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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; and

(iii) The petitioner shall appear before the concerned Court once in a month i.e., on first working day of every English calendar month at 10.30 a.m., till the disposal of the appeal.

sd/-

21/11/2024

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/11/2024

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

DSS

TO

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

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VADAMADURAI,
DINDIGUL DISTRICT.

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

COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI (CALL FOR RECORDS)

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



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ORDER
IN
CRL MP(MD) No.12484 of 2024
Date :21/11/2024

SA/VR/SAR. /27.11.2024/7P/6C

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