



Crl.M.P.(MD) No.1101 of 2024

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

Friday, the Eighth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

Crl.M.P.(MD) No.1101 of 2024
in
Crl.A(MD) No.85 of 2024

SANKAR

... PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE
AYAKUDI POLICE STATION,
DINDIGUL DISTRICT.

(CRIME NO.152 OF 2023) ... RESPONDENT/PROSECUTING 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 of imprisonment imposed in the Judgment dt.31.10.2023 passed by the Honble Sessions Judge, Court Fast Track Mahila Court at Dindigul in Spl.S.C.No.92 of 2023 and enlarge petitioner on bail pending disposal of the above Crl.A.

Prayer in Crl.A(MD) No.85 of 2024:

To call for the records and set aside the order of conviction passed by the judgment in Spl.S.C.No.92/2023 passed by the Hon'ble Sessions Judge, Fast Track Mahila Court at Dindigul by judgment dated 31.10.2023 and acquit the appellant/accused.

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.THIRUMOORTHY.R, Advocate for the petitioner and of MR.A.THIRUVADI



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KUMAR, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence imposed on him by the learned Sessions Judge, Fast Track Mahila Court, Dindigul District, in Spl.S.C.No.92 of 2023 dated 31.10.2023 and to enlarge him on bail, pending disposal of the Criminal Appeal.

2. It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner in Crime No.152 of 2023, on the file of the respondent/Inspector of Police, Ayakudi Police Station, Dindigul District, for the offences punishable under Section 363 of IPC and Section 6 of 'the Protection of Children from Sexual Offences Act, 2012' [hereinafter referred to as 'POCSO Act' for the sake of brevity] and the same was taken on file in Spl.S.C.No.92 of 2023 before the learned Sessions Judge, Fast Track Mahila Court, Dindigul. The petitioner was convicted and sentenced to undergo 3 years rigorous imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only) with six months simple imprisonment in case of default for the offence under Section 363 of IPC. Challenging the above said conviction and sentence, the petitioner has preferred the Criminal Appeal along with the present Criminal Miscellaneous Petition seeking suspension of



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sentence.

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3. The learned counsel appearing for the petitioner would submit that there is no dispute about the relationship between the petitioner and the alleged victim. The petitioner and the victim girl loved each other and decided to marry the alleged victim after attaining majority. But on account of different religion, the marriage was not accepted by the parents of the victim but unfortunately the trial Court rendered conviction. There is no evidence to prove the charge levelled against the petitioner and the prosecution has not established its case beyond reasonable doubts. Hence, the learned counsel prays for suspension of sentence of the petitioner.

4. The learned Additional Public Prosecutor appearing on behalf of the respondent vehemently opposed this petition informing that the allegations levelled against the petitioner/accused are serious in nature and the trial Court has rightly convicted for a period of three years imprisonment. Hence, he prays for dismissal of the petition.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and perused the materials

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



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available on record.

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6. This Court finds force in the submission of the learned counsel for the petitioner. Admittedly, the victim girl and the petitioner loved each other. Based on the complaint lodged by the victim's brother, a case was registered. Hence, this Court is of the prima facie view 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, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Sessions Judge, Fast Track Mahila Court, Dindigul, in Spl.S.C.No.92 of 2023 dated 31.10.2023 alone is suspended, subject to the following stringent conditions :-

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



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

iii) The petitioner shall appear and sign before the concerned Court daily at 10.30 a.m. and 5.30 p.m., till the disposal of the appeal.

iv) The petitioner shall furnish his residential address and mobile number to the Trial Court i.e., learned Sessions Judge, Fast Track Mahila Court, Dindigul.

8. Subject to the above conditions, this Criminal Miscellaneous Petition is allowed.

sd/-
08/03/2024

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/03/2024

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

rm



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TO
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- 1.THE SESSIONS JUDGE, FAST TRACK MAHILA COURT, DINDIGUL,
- 2.THE INSPECTOR OF POLICE
AYAKUDI POLICE STATION,
DINDIGUL DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
Crl.M.P.(MD) No.1101 of 2024
in
Crl.A(MD) No.85 of 2024
Date :08/03/2024

RK/VR (14/03/2024) 6P / 4C

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