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Crl.MP.No.11266 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.11266 of 2025

in

Crl.A.No.641 of 2025

Manikandan

...Petitioner

Vs.

State By the Inspector of Police
Tiruvannamalai Taluk Police Station,
Tiruvannamalai District
(Crime No.1124/2018)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of Cr.P.C., to suspend the sentence imposed against the petitioner in Spl.SC.No.166 of 2019 on the file of the learned Special Court (POCSO Cases) Tiruvannamalai, Tiruvannamalai District in Spl.SC.No.166 of 2019 dated 07.05.2024 and enlarge the petitioner on bail pending disposal of the said Crl.A.No. /2025 on the file of this Court.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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ORDER

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2. The petitioner, who is the accused in Spl.SC.No.166 of 2019, was convicted and sentenced by the learned Special Court (POCSO Cases) Tiruvannamalai, Tiruvannamalai District, vide judgment dated 07.05.2024, as follows:

Rank of the accused	Conviction under Section	Sentence awarded
Sole accused	Section 376(2)(n) of IPC and Section 6 r/w 5(1) of POCSO Act	to undergo rigorous imprisonment for a period of 10 years and to pay fine of Rs.1,000/-, in default to undergo simple imprisonment for two years
	Section 9 of Prohibition of Child Marriage Act	to undergo rigorous imprisonment for a period of 2 years and to pay fine of Rs.1,000/-

3. The learned counsel for the petitioner/appellant submitted that



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even during the trial, the petitioner was living with the victim. When the petitioner was not present before the trial court, since he went to attend the funeral of his father, he was not able to appear before the trial court and the trial court issued non bailable warrant, pursuant to which the petitioner was secured and remanded to judicial custody even before the date of judgment. Now the petitioner is ready and willing to legalise their marriage and is also willing to take the victim to his matrimonial house.

4. Considering the above submissions, this Court directed the victim to be present before this Court. Accordingly, the victim also appeared before this Court today. She stated that she never lived with the petitioner during the trial. After lodgment of complaint by her parents, as at that time she was minor, she was secured and sent to home, since she was not interested to go to her parents' house. Even till today, the victim has never lived with the petitioner. She further submitted that one and a half months before, the family members of the petitioner threatened her to withdraw the case. Therefore, she is not at all interested to live with the petitioner and she does not want to withdraw the case.



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5. Therefore, the petitioner failed to make out a *prima facie* case to suspend the sentence imposed on him by the trial court. As such, this Court is not inclined to entertain this petition.

6. Accordingly, this miscellaneous petition is dismissed. However, if any complaint is lodged by the victim, the respondent is directed to take appropriate action against the person who committed the offence.

20.06.2025
(1/2)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
lok



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To
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1.The learned Special Court (POCSO Cases) Tiruvannamalai,
Tiruvannamalai District

2.Inspector of Police
Tiruvannamalai Taluk Police Station,
Tiruvannamalai District

3.The Public Prosecutor,
High Court of Madras.

G.K.ILANTHIRAIYAN, J.



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