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CrI.A.No.98 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.A.No.98 of 2022

Damodharan

... Appellant

Vs.

State represented by its
Inspector of Police,
W6, Ayanavaram All Women Police Station,
Chennai-600 023.
(Crime No.9 of 2015).

... Respondent

Prayer: Criminal Appeal is filed under Section 374(2) of Code of Criminal Procedure, to call for the records relating to the proceedings in S.C.No.226 of 2016 on the file of the learned Special Court for Cases under POCSO Act 2012/Mahila Court Sessions Judge, Chennai and set aside the judgment passed by the learned Special Court for Cases under POCSO Act 2012/Mahile Court Sessions Judge, Chennai dated 15.11.2018 in S.C.No.226 of 2016.



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For Appellant : No Appearance
For Respondent : Mr.L.Baskaran,
Government Advocate (CrI. Side)

JUDGMENT

The appellant was convicted *vide* judgment, dated 15.11.2018 in S.C.No.226 of 2016 by the learned Sessions Judge, Special Court for cases under POCSO Act/Magalir Neethimandram, Chennai (Trial Court) and sentenced to undergo five years Simple Imprisonment and to pay a fine of Rs.5,000/-, in default to undergo further period of five months Simple Imprisonment for offence under Section 10 of Protection of Children from Sexual Offences Act, 2012. Challenging the same, the present criminal appeal is filed.

2.When the matter is taken up for hearing today, no representation for the appellant either in person or by any counsel. Last two occasions also *i.e.*, on 30.10.2024 and 19.12.2024, there was no representation for the appellant.

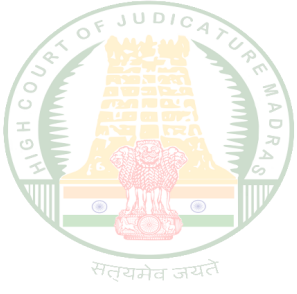


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3.The learned Government Advocate (Crl. Side) on instructions would submit that the appellant had already undergone his period of sentence and released from the prison on 14.09.2022, hence, nothing survives in the appeal.

4.Considering the submission and on perusal of the materials, it is seen that the respondent Police addressed a letter, dated 07.11.2024 to the Superintendent of Prison, Central Prison, Puzhal to verify the status of the appellant. In reply, the Superintendent of Prison, Central Prison-I, Puzhal sent a communication, dated 11.11.2024 that the appellant has already undergone the period of sentence imposed by the Trial Court and he was released from the prison on 14.09.2022. The scanned reproduction of the communication, dated 11.11.2024 is as follows:



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சிறைகள் மற்றும் சீர்திருத்தப்பணிகள் துறை தமிழ்நாடு

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பிரித்தெடுப்பு நகல்

சிறைவாசி எண்	LT-7340
சிறையில் அனுமதிக்கப்பட்டுள்ள நாள்	15.11.2018
சிறைவாசி பெயர்	தாஜமாதரன் ✓
சிறைவாசியின் தந்தை பெயர்	ராஜதுரை ✓
சிறைவாசியின் வயது	48/2018
சிறைவாசியின் முகவரி	எண்.13/68 , தந்தை பெரியார் நகர், அயனாவரம் சென்னை.23
காவல்நிலையம்	W6 அயனாவரம் அனைத்து மகளிர் காவல் நிலையம்
குற்ற எண்	09/2015
சட்டபிரிவு	U/s 10 of POCSO Act
நீதிமன்றம்	Sessions Judge, Magila Neethimandram Chennai . Sc.NO.226/16
தண்டனை விபரம்	U/s 10 of POCSO Act - 'Rigorous Imprisonment 5 years and fine Rs.5000/- in default Simple Imprisonment for 6 Months
விடுதலை செய்யப்பட்ட நாள்	இச்சிறைவாசி 380 நாட்கள் தண்டனை கழிவுடன் 14.09.2022 அன்று இம்மத்திய சிறையில் இருந்து விடுதலை செய்யப்பட்டார்.

சிறை கண்காணிப்பாளர்
மத்திய சிறை-1, புழல்
11.11.24

பெறுநர்

காவல் ஆய்வாளர்,

W6 அயனாவரம் அனைத்து மகளிர் காவல் நிலையம்,

அயனாவரம், சென்னை.23



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5.In view of the above, nothing survives in the present appeal and the appeal is disposed of.

04.02.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

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To

- 1.The Sessions Judge,
Mahila Court (Mahalir Neethimandram Chennai),
Chennai.
- 2.The Inspector of Police,
W6, Ayanavaram All Women Police Station,
Chennai-600 023.
- 3.The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR, J.

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