



CRL MP(MD) NO. 780 of 2025 in

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13-02-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) NO. 780 of 2025

in

Crl.A(MD) No.61 of 2025

Manickam
S/o.Muthaiyah,
308, East Street,
Madathupatti,
Tenkasi District.

Petitioner

Vs

The State of Tamilnadu
Rep by The Deputy Superintendent of Police,
Tirunelveli Rural Sub Division,
Seevalaperi Police Station,
Tirunelveli District.
(Crime no.110 of 2020.)

Respondent

For Petitioner : Dr.R.Alagumani, Advocate

For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl. side)



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ORDER

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The petitioner is the sole accused in Special SC No.50 of 2021, on the file of the Special Court for POCSO Act Cases, Tirunelveli. He was found guilty by the trial Court and was convicted and sentenced to undergo as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1.	363 IPC	3 years Rigorous imprisonment	Rs.500/-	6 months Rigorous imprisonment
2.	Section 10 of POCSO Act	5 years Rigorous imprisonment	Rs.500/-	1 year Rigorous imprisonment

As against the conviction and sentence imposed by the trial Court, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.61 of 2025 and the same has been admitted on 23.01.2025. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2.The learned counsel appearing for the petitioner submits that a case has been foisted as against the petitioner by the neighbor on the dispute between them. According to him, there is no injury on the victim girl. He also submits that this petitioner is in jail from 05.10.2022. The learned counsel further submits that the maximum punishment is five years and he has already undergone half of the sentence and therefore, the sentence imposed on the petitioner may be suspended.



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3.The learned Government Advocate for the respondent submits that this petitioner is aged about 70 years and the victim girl at the relevant point of time is eight years old and taking advantage of the same, the petitioner has misbehaved with the victim child. The victim child has stated about the occurrence in her statement, recorded under Section 164 of Cr.P.C and also before the Court. Therefore, the petitioner cannot be considered for grant of suspension of sentence.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The petitioner was found guilty and was convicted by the trial Court for the offence under Sections 363 IPC and Section 10 of POCSO Act, on 27.06.2023. However, he has preferred the appeal only in the year 2025. The appeal has been admitted on 23.01.2025. The petitioner is having an arguable point, however, the appeal cannot be taken up for final hearing in the near future, as the appeal is of the year 2025. The learned counsel claims that the papers are not made ready.

6.Considering the period of sentence already undergone by this petitioner, this Court is inclined to suspend the sentence imposed on him.

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five



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Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli and on further condition that the petitioner shall stay at Trichy and report before the Inspector of Police, Musiri Police Station, Trichy, daily at 10.30 a.m., till the disposal of the appeal.

sd/-
13/02/2025

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13/02/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN

To

1.The Sessions Judge,
Special Court for POCSO Act Cases,
Tirunelveli.

2.The Deputy Superintendent of Police,
Tirunelveli Rural Sub Division,
Seevalaperi Police Station,
Tirunelveli District.

3.The Superintendent,
Central Prison, Palayamkottai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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The Inspector of Police,
Musiri Police Station,
Trichy.

+1 CC to M/s.DR.R.ALAGUMANI, Advocate (SR-1617[I] dated 13/02/2025)

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Date :13/02/2025

ED/ /SAR- (13/02/2025) 5P / 7 C

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