



CRL MP(MD) NO. 626 of 2025 in

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12-02-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) NO. 626 of 2025 in
Crl.A(MD) No.344 of 2024

Selvaraj @ Vikraman
S/o.Nesamani, Ilanthottuvilai Veedu, Vanniyoor,
Malaiyadi Post, Kanyakumari District.

...Petitioner

Vs

The State of Tamilnadu
Rep by, The Inspector of Police,
All Women Police Station, Marthandam,
Kanyakumari District. (Crime No.14/2020).

...Respondent

For Petitioner:

Mr.K.P.Narayanakumar

For Respondent:

Mr.P.Kottaichamy
Government Advocate(Crl.side)

ORDER

The petitioner is the sole accused in Spl.S.C.No.31 of 2020, on the file of the Special Court for POCSO Act cases, Nagercoil, Kanyakumari. He was found guilty by the trial Court and imposed with rigorous imprisonment of 5 years with Rs.10,000/- as fine for the offence under Section 9(m) r/w 10 of POCSO Act, in default, he has to



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undergo 6 months simple imprisonment. Challenging the same, the petitioner has filed an appeal before this Court in CrI.A(MD) No.344 of 2024 and the same has been admitted on 18.04.2024. The petitioner has also moved an application to suspend the sentence imposed on him in CrI.MP(MD) No.4472 of 2024 in CrI.A(MD) No.344 of 2024 and the same was dismissed by this Court on 23.08.2024.

2.The learned counsel appearing for the petitioner submits that this is the second application filed by this petitioner for suspension of sentence. He further submits that the petitioner is a neighbour of PW 1, who is the mother of the victim girl. On some dispute with this petitioner, she has foisted a false case as against this petitioner. He further submits that even according to the prosecution, this petitioner is said to have molested the victim girl, however, she has not been subjected for any medical examination. He further submits that this petitioner is languishing in jail for the past 11 months from the date of conviction and he was also in jail for three months during trial. According to the learned counsel for the occurrence said to have taken on 27.03.2020, a complaint was lodged on 02.04.2020 and it also reached the Court after five days, i.e on 07.04.2020.

3.The learned Government Advocate appearing for the respondent



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submits that this is the second application filed by this petitioner for suspension of sentence. Earlier application filed by him was dismissed by this Court in CrI.MP(MD) No.4472 of 2024 in CrI.A(MD) No.344 of 2024, on 23.08.2024.

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

5.The petitioner, who is an accused in Spl.S.C.No.31 of 2020, on the file of the Special Court for POCSO Act cases, Nagercoil, Kanyakumari has filed this application for suspension of sentence. The learned counsel for the petitioner claims that there is a delay in lodging the complaint and also in sending the same to the concerned Court. The victim girl has not been subjected for any medical examination, when there is an allegation of molest. The petitioner is having some arguable points in the appeal and the appeal could not be taken for final hearing in the near future. In view of the above, this Court is inclined to suspend the sentence imposed on the petitioner.

6.Accordingly, this Criminal Miscellaneous Petition is ordered and the substantive sentence of imprisonment alone is suspended pending disposal of the



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criminal appeal and the petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judge, Special Court for POCSO Act Cases, Nagercoil, Kanyakumari District and on further condition that the petitioner shall reside at Tiruppur and report before the Inspector of Police, Tiruppur South Police Station, Tiruppur, at 10.30 a.m., daily, till the disposal of the appeal.

sd/-
12/02/2025

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12/02/2025
Sub-Assistant Registrar (WRITS)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN

TO

- 1.THE JUDGE, SPECIAL COURT FOR POCSO ACT CASES, NAGERCOIL,
KANYAKUMARI DISTRICT
- 2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MARTHANDAM, KANYAKUMARI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
TIRUPPUR SOUTH POLICE STATION, TIRUPPUR.
- 4 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.



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

+1CC TO MR.K.P.NARAYANAKUMAR, Advocate SR No.8918 dated 12.02.2025

ORDER
IN
CRL MP(MD) NO. 626 of 2025 in
Crl.A(MD) No.344 of 2024
Date :12/02/2025

RK (12/02/2025) 5P / 7C

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