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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. 786 of 2025

in

Crl.A(MD) No.1138 of 2024

Aravind

S/o.Rajasekar,

D. No.5/1710,

Thangamani Nagar,

Muthaiapuram Post,

Thoothukudi.

... Petitioner/ Appellant

Vs

The State of Tamil Nadu

Rep by The Inspector of Police,

Thalamuthu Nagar Police Station,

Thoothukudi,

Crime No.278/2021.

... Respondent/Complainant

For Petitioner : Mr.S.Deenadhayan, Advocate

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



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ORDER

The petitioner is the sole accused in Special SC No.48 of 2022, on the file of the learned Sessions Judge/Mahila Court/Additional POCSO Court, Thoothukudi. He was found guilty by the trial Court and was convicted and sentenced to undergo 20 years of rigorous imprisonment with fine of Rs.3,000/-, for the offence under Sections 5(1) r/w Section 6 of POCSO Act, in default, he has to undergo 6 months simple imprisonment. As against the conviction and sentence imposed by the trial Court, the petitioner has filed a Criminal Appeal in CrI.A(MD) No.1138 of 2024 and the same has been admitted by this Court on 20.12.2024. 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 this incident is arising out of a love affair between the petitioner and the victim girl. Even according to the prosecution, the victim girl was aged about 17 years and she had an affair with the petitioner for more than two years. Knowing that, the mother of the victim has scolded her and has also beaten her. Therefore she had taken asylum with the accused and both of them have ran away. He further submits that on the



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complaint lodged by PW 1, the petitioner has voluntarily surrendered before the police station along with the victim girl. The petitioner is in jail from the date of judgment on 28.10.2024. Therefore, the sentence imposed on the petitioner may be suspended.

3.The learned Government Advocate appearing for the respondent submits that there are enough materials available on record as against this petitioner, as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and therefore, he prays for dismissal of this petition.

4.Since the petitioner is having some arguable points in the appeal and the appeal could not be taken up immediately for final disposal, this Court is inclined to suspend the sentence imposed as against the petitioner.

5. 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 Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge/Mahila Court/POCSO Court, Tuticorin and on further condition that the



petitioner shall report before the said Court on the first working day of every English

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Calendar month 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(AE)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vrn

TO

- 1 THE SESSIONS JUDGE,
MAHILA COURT, ADDITIONAL POCSO COURT, THOOTHUKUDI.
- 2 THE INSPECTOR OF POLICE,
THALAMUTHU NAGAR POLICE STATION, THOOTHUKUDI.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-1618[I] dated 13/02/2025)

ORDER IN
CRL MP(MD) No.786 of 2025IN
CRL A(MD) No.1138 of 2024
Date :13/02/2025

ES/SKN/SAR/13.02.2025/4P/6C

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