



Crl.M.P.(MD)No.1114 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13-02-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.1114 of 2024

in

Crl.A.(MD)No.87 of 2024

Mariappan  
S/o.Karuppannan,  
Bhagavathi Nagar,  
Kenguvarpatti,  
Periyakulam Taluk,  
Theni District.

Petitioner(s)

Vs

The Inspector of Police  
Devathanapatti Police Station,  
Theni District.  
(Crime No.149/2019.)

Respondent(s)

For Petitioner(s) : Mr.R.Anandharaj, Advocate

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



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ORDER

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The petitioner is the sole accused in Spl.S.C.No.35 of 2023 on the file of the Special Court for POCSO Act Cases, Theni. The petitioner was found guilty for the offence under Section 10 of POCSO Act by the learned Sessions Judge, Special Court for POCSO Act Cases, Theni, by its Judgment, dated 07.12.2023 and convicted and sentenced to undergo 5 years rigorous imprisonment and to pay a fine of Rs.10,000/-, with the default sentence of one year rigorous imprisonment. Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.87 of 2024 along with the petition for suspension of sentence. The Criminal Appeal was admitted by this Court on 02.02.2024.

2. The learned counsel appearing for the petitioner submits that the petitioner was working in a School run by a charity and the P.W.1 is the Director of the charity. According to the learned counsel, P.W.1 is an accused in Crime No.7 of 2011 on the file of the Devathanapatti Police Station and the same was registered that he abetted the deceased to commit suicide. The Investigating Agency conducted investigation and filed final report as against P.W.1 and the same is pending in C.C.No.86 of 2018. He further submits that P.W.1, under the impression that the petitioner herein has caused for the criminal case registered against him, has foisted this false case by using the children, who are studying in the charity. According to him, three



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children said to have lodged a complaint as if the petitioner made a bad touch.

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However, P.W.2 turned hostile. The other two children are in the custody of P.W.1 and they are residing in the hostel run by P.W.1. Further, they are the dependants of P.W.1 and they were also brought to the Court in the vehicle of P.W.1.

3. The learned Government Advocate (Crl. Side) submits that the petitioner, who served as a Librarian in a charity run by P.W.1, misbehaved with P.W.2 to P.W.4 and therefore, on their complaint, the Child Helpline Officer inquired into the matter and the criminal case was registered against the petitioner. According to him, two main witnesses stated about the petitioner the way in which he misbehaved with the children. Therefore, he opposes for grant of suspension of sentence.

4. This Court considered the rival submissions made.

5. The perusal of records including the grounds of appeal refers to certain arguable points involved in this case. However, there is no likelihood of listing the criminal appeal for final hearing in the near future.

6. Considering the period of incarceration and the grounds raised by the learned counsel for the petitioner, this Court is inclined to suspend the sentence imposed on the petitioner.

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged



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on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only)

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with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for POCSO Act Cases, Theni, and on further condition that the petitioner shall stay at Madurai and appear before the Inspector of Police, E3-Anna Nagar Police Station, Madurai City, daily at 10.30 a.m. until further orders.

sd/-  
13/02/2025

/ TRUE COPY /

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

OGY

To

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

2.The Inspector of Police,  
Devathanapatti Police Station,  
Theni District.

3.The Superintendent,  
Central Prison, Madurai.

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



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Copy to:

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The Inspector of Police,  
E3 Anna Nagar Police Station,  
Madurai City.

ORDER  
IN  
CRL MP(MD) No.1114 of 2024  
IN  
CRL A(MD) No.87 of 2024  
Date :13/02/2025

ED/ /SAR- (13/02/2025) 5P / 6 C

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