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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. 868 of 2025

in

Crl.A(MD) No.72 of 2025

Sudhagar

S/o.Alagarsamy,

Door No.3/359,

Barathinagar, Allampatti,

Virudhunagar District.

.. Petitioner / Appellant

Vs

The State of Tamilnadu

Rep by The Inspector of Police,

Ettayapuram Police Station,

Thoothukudi District.

Crime No.270 of 2020.

... Respondent / Respondent

For Petitioner : Mr.M.Solaisamy, Advocate

For Respondent : Mr.P.Kottaichamy
Government Advocate



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ORDER

The petitioner is the sole accused in Special SC No.18 of 2021, 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 4 years of rigorous imprisonment with fine of Rs.2,000/-, in default, he has to undergo 3 months simple imprisonment for the offence under Section 7 r/w 8 of POCSO Act. As against the conviction and sentence imposed by the trial Court, the petitioner has filed a Criminal Appeal in CrI.A(MD) No.72 of 2025 and the same has been admitted by this Court 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 even according to the statement of the victim girl, which was recorded under Section 164 of Cr.P.C, the victim girl had an affair with the petitioner and the same was objected by her parents. Therefore, she only insisted the petitioner to take her from her parents custody. He further submits that the petitioner is in jail from the date of judgment on 28.10.2024. Therefore, the sentence imposed on the petitioner may be suspended.



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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 Mahalir Court/Additional POCSO Court, Tuticorin and on further condition that the petitioner shall report before the said Court on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.

Sd/-
13/02/2025

/ TRUE COPY /

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



TO
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- 1 THE SESSIONS JUDGE,
MAHILA COURT, ADDITIONAL POCSO COURT,
THOOTHUKUDI.
- 2 THE INSPECTOR OF POLICE,
ETTAYAPURAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 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.M.SOLAISAMY, Advocate (SR-1616[I] dated 13/02/2025)

ORDER
IN
CRL MP(MD) No.868 of 2025
IN
CRL A(MD) No.72 of 2025
Date :13/02/2025

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

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