



Crl.M.P.(MD).No.2534 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2025

CORAM:

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD).No.2534 of 2024

in

Crl.A.(MD).No.167 of 2024

Sahul Hameed

Petitioner(s)

Vs

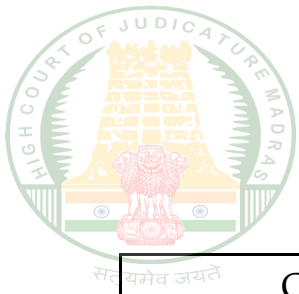
The State of Tamil Nadu,
Represented by its
Inspector of Police,
All Women Police Station,
Sivagangai District.
(Crime No:18 of 2019)

... Respondent

For Petitioner	: Mr.T.Lajapathy Roy Senior Counsel
For Respondent	: Mr.P.Kottaichamy Government Advocate

ORDER

This petitioner was tried for the offence under Section 9(f) r/w 10 of the POCSO Act, 2012, before the Principal Special Court for Exclusive Trial of Cases under the POCSO Act, 2012 Sivagangai in Spl.SC.No.01 of 2020. The trial Court found him guilty for the above offence, convicted and sentenced him as under:-



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Offence under Section	Sentence
6 of the POCSO Act, 2012 for the offence committed under Section 5(f) and 5(1) of the POCSO Act, 2012	Convicted and sentenced to undergo 20 years of rigorous imprisonment with a fine of Rs.5,000/-, and in default in payment of fine to undergo six months of simple imprisonment.

2. As against the conviction and sentence imposed by the trial Court, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.167 of 2024 and the same has been admitted by this Court. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

3. The case of the prosecution is that the petitioner who is an arabic teacher in the Pallivasal has abused the victim boy in this case who was aged about 12 years at the time of occurrence. There is an allegation of penetrative sexual assault on the victim boy as against the petitioner. The victim boy has informed the same to the parents and based on the complaint of the parents, the case was registered in Crime.No.18 of 2019 on 13.11.2019 and the final report was filed as against the petitioner which was taken on file in Spl.S.C.No.01 of 2020.

4. The learned counsel for the petitioner submits that the allegations are false and it has not been substantiated. He further submits that the medical report has not



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corroborated the statement given by the victim boy and the other witnesses.

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5. The learned counsel for the petitioner has also produced the medical report of the doctor dated 14.11.2019 and submits that there was no external injury noted in and around the genital region of the victim boy and as such the allegations are not supported by the medical evidence.

6. The learned Government Advocate appearing for the respondent submits that the scene occurrence was on 05.10.2019. The child has reported this incident only on 13.11.2019 and immediately the complaint was lodged. The victim was also produced before the doctor on 14.11.2019. Since the doctor has not noted down any injuries on 14.11.2019 at the time of examination, it does not mean that there was no injury and there was no incident as projected by the prosecution.

7. The learned Government Advocate has also produced the statement of the victim recorded under Section 164 of Cr.P.C and the evidence of PW1 and submits that the victim has narrated the incident in a cogent manner. Therefore, he submits that this petitioner cannot be considered for the suspension of sentence and if he comes out on bail, he may indulge in a similar incident.

8. This Court considered the rival submissions made and perused the materials available on records.

9. The statement of the victim under Section 164 of Cr.P.C and the evidence of



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PW1 disclose the nature of offence. The trial Court, after considering the same, has found him guilty and convicted and sentenced as stated supra. The only ground raised by the petitioner is that the statement of the victim has not been supported by the medical evidence. The Government Advocate has replied to the same that the incident took place on 05.10.2019, the complaint was lodged on 13.11.2019 and the victim was produced before the hospital only on 14.11.2019. These points can be considered only during the final hearing of the appeal. Therefore, on this ground alone this Court is not inclined to suspend the sentence.

10. Accordingly, this criminal miscellaneous petition is dismissed.

sd/-

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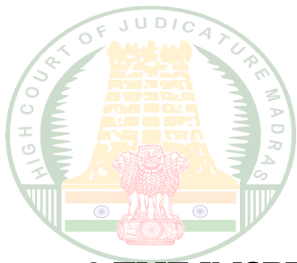
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RGM

TO

1 THE JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER THE POCSO ACT, 2012,
SIVAGANGAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.



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3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIVAGANGAI DISTRICT.

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

ORDER
IN
CrI.M.P.(MD).No.2534 of 2024
in
CrI.A.(MD).No.167 of 2024
Date :02/04/2025

SA/SAR. /29.04.2025/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.