



Crl.M.P.(MD)No.2658 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.2658 of 2025

in Crl.A.(MD)No.264 of 2025

Venkatesan @ Venkatachalam,
S/o.Raman,
Vedapatti,
Karungal Village,
Vedasanthur Taluk,
Dindigul District.

Petitioner(s)

versus

State of Tamil Nadu through
The Inspector of Police,
Vadamadurai All Women Police Station,
Dindigul District.

Respondent(s)

For Petitioner(s):

Dr.R.Alagumani
Advocate

For Respondent(s):

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

ORDER

The petitioner is the sole accused in Spl.S.C.No.8 of 2016 on the file of the Fast Track Mahila Court, Dindigul. After the trial, the Trial Court, by its Judgment dated 19.01.2023, found the petitioner guilty for the offence under Section 6 of POCSO Act



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and convicted and sentenced him to undergo 10 years rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo six months simple imprisonment. Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.264 of 2025 and the same has been admitted by this Court on 28.02.2025. The petitioner has also moved this petition seeking to suspend the sentence imposed by the trial Court.

2. The learned counsel appearing for the petitioner submits that the victim, who was aged about 14 years, was found pregnant and therefore, the mother of the victim questioned her about the person who is responsible for the pregnancy. The victim has informed that the petitioner had physical relationship with her and on account of that, she is pregnant. Therefore, this case has been registered against the petitioner. The learned counsel further submits that the Investigation Agency has conducted a DNA test, but, it does not match with the petitioner. Even then, the prosecution was continued as against the petitioner. He further submits that the petitioner is in jail from the date of conviction, i.e. from 19.01.2023 and he has almost completed the sentence period of 2 years and 6 months. Therefore, he seeks to suspend the sentence imposed on the petitioner.



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3. The learned Government Advocate (Crl. Side) submits that the victim child has stated that the petitioner is responsible for the pregnancy. The victim child was aged about 14 years at the time of occurrence and the petitioner was aged about 35 years. The petitioner is a neighbour and taking advantage of the loneliness of the victim child, he has committed the offence. Therefore, he opposed to grant suspension of sentence.

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

5. The case itself has been registered that the victim child was pregnant for four months. During the investigation, the Investigation Agency has also conducted DNA Test. However, it does not match with the petitioner.

6. The petitioner has also raised certain arguable points, which can be considered only during the final hearing of the appeal. However, the appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioner, his period of incarceration and for the reason that the appeal could not be taken up immediately, this Court is inclined to allow this petition.



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7. 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 Fast Track Mahila Court, Dindigul and on further condition that the petitioner shall stay at Tiruppur and appear before the Inspector of Police, Tiruppur Town Police Station, Tiruppur, daily at 10.30 a.m. until further orders. The petitioner shall file an undertaking affidavit before the respondent Police that he will not visit the village of the victim child and will not disturb the victim child.

sd/-
04/04/2025

/ TRUE COPY /

07/04/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. The Judge, Fast Track Mahila Court,
Dindigul.



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2. The Inspector of Police,
Vadamadurai All Women Police Station,
Dindigul District.

3. The Superintendent,
Central Prison, Madurai.

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

Copy to:

The Inspector of Police,
Tiruppur Town Police Station
Tiruppur.

+1 CC to M/s.DR.R.ALAGUMANI, Advocate (SR-3969[I] dated 04/04/2025)

ORDER

IN

CRL MP(MD) No.2658 of 2025

in Crl.A.(MD)No.264 of 2025

Date :04/04/2025

AS (07/04/2025) 5P /7 C

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