



CRL.MP(MD).No.2177 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2025

CORAM:

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL.MP(MD).No.2177 of 2025

in

CRL A (MD).No.711 of 2024

Subramaniyan

.. Petitioner

Vs.

The State of Tamil Nadu
Rep by The Inspector of Police,
All Women police station,
Pudukkottai,
Thoothukudi District.
(Crime No. 05/2022)

.. Respondent

For Petitioner:

Mr.KA.Raamakrishnan

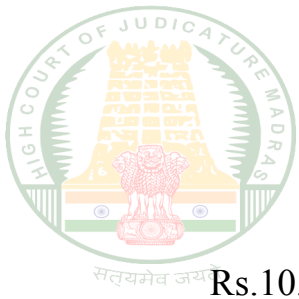
For Respondent:

Mr.P.Kottaichamy,

Government Advocate (Crl Side)

ORDER

The petitioner/A1 was found guilty by the Special Courts for POCSO Cases, Tuticorin and convicted in Spl.SC.No.157 of 2022 and sentenced to undergo 5 years rigorous imprisonment and to pay a fine of



CRL.MP(MD).No.2177 of 2025

WEB COPY

Rs.10,000/- with default clause for the offence under Section 8 of the Protection of Children from Sexual Offences Act, 2012.

2. The case of the prosecution is that the victim girl aged about 16 years went to attend her natural calls. At that time the petitioner/accused No.1 came there and misbehaved with her sexually and it was witnessed by P.W.1 and a complaint was lodged. The Accused No.1 along with Accused No.2 went to the complainant's house and also assaulted her. The case was registered for the offence under Section 323 IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012. In conclusion of the Trial, this petitioner was found guilty for the offence under Section 8 of the Protection of Children from Sexual Offences Act, 2012 convicted as stated above.

3. As against conviction, this petitioner has filed an appeal before this Court in Crl.A.No.711/2024 and the same was admitted by this Court. The petitioner has also filed this miscellaneous petition to suspend the sentence as against him. The earlier petition filed by this petitioner was dismissed by this Court on 25.09.2024 and this is his second petition.



WEB COPY

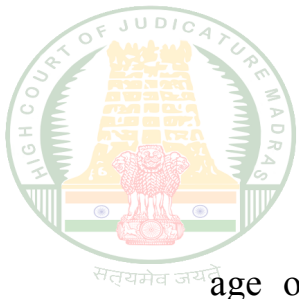
4. The learned counsel for the petitioner submits that this petitioner is in jail since 19.08.2024. According to him, the victim girl was her ex-lover and she had developed an affair with a boy and that was questioned by him, therefore, a false case was foisted as if he has attempted to sexually assault her.

5. The learned counsel for the petitioner has also relied on the evidence of the Doctor, P.W.12, who examined the victim girl and has given a report in Ex.P.8, that it could not be said that “sexual violence has not occurred”.

6. The learned Government Advocate (Crl Side) by referring to the earlier orders of this Court submits that the earlier application to suspend the sentence was dismissed and there is no change in circumstances.

7. This Court considered the rival submissions made and perused the material placed on record.

8. Though the earlier application filed by the petitioner to suspend the sentence was dismissed by this court, the petitioner has made out a case that the main criminal appeal could not be taken up for final disposal. Considering the nature of the allegation, the age of the victim,



CRL.MP(MD).No.2177 of 2025

WEB COPY

age of this boy and considering that the petitioner is having some arguable points in the main appeal and it could not be taken up for final disposal immediately, this Court is inclined to suspend the sentence pending the criminal appeal.

9. Accordingly, this petition is allowed and 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 Special Judge for POCSO Cases Tuticorin, Tuticorin District, and on further condition that the petitioner shall stay in Madurai and report before the Sellur Police Station daily at 10.30am.

21.02.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes

nst



WEB COPY



CRL.MP(MD).No.2177 of 2025

To

- 1.The Special Judge for POCSO Cases
Tuticorin,
Tuticorin District.
- 2.The Inspector of Police,
All Women police station,
Pudukkottai,
Thoothukudi District.
- 3.The Inspector of Police,
Selur Police Station,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court.
Madurai.



WEB COPY



CRL.MP(MD).No.2177 of 2025

B.PUGALENDHI, J.

nst

CRL.MP(MD).No.2177 of 2025
in
CRL A (MD).No.711 of 2024



WEB COPY



CRL.MP(MD).No.2177 of 2025

Dated: 21.02.2025