



Crl.M.P.(MD)No.2526 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.2526 of 2024

in Crl.A.(MD)No.165 of 2024

Chellaiah,
S/o.Guruvan,
90, School Street,
Anayoor,
Sivakasi East,
Virudhunagar District.

Petitioner(s)

versus

State through
The Inspector of Police,
All Women Police Station,
Sivakasi,
Virudhunagar District.

Respondent(s)

For Petitioner(s):

Mr.R.Prakash
Advocate

For Respondent(s):

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

ORDER

The petitioner is the sole accused in Spl.S.C.No.2 of 2020 on the file of learned

<https://www.mhc.tn.gov.in/judis> Sessions Judge, Special Court for POCSO Act Cases, Virudhunagar District at



Crl.M.P.(MD)No.2526 of 2024

WEB COPY

Srivilliputhur. After the trial, the Trial Court, by its Judgment dated 10.10.2022, found the petitioner guilty for the offence under Section 506(i) IPC and Section 9(m) r/w. Section 10 of POCSO Act and convicted and sentenced him as under:

(i) for the offence under Section 506(i) IPC, to undergo one year rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo three months simple imprisonment;

(ii) for the offence under Section 9(m) r/w. Section 10 of POCSO Act, to undergo five years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo one year simple imprisonment.

Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.165 of 2024, which was admitted by this Court on 08.04.2024. The petitioner has also moved this petition to suspend the sentence imposed on him by the trial Court.

2. The learned counsel appearing for the petitioner submits that P.W.1 is having enmity with the daughter-in-law of the petitioner. Therefore, this case has been foisted against the petitioner. Even as per the prosecution, the petitioner has removed the underwear of the victim child and he has not committed any other thing. This statement was also made after two days. According to him, this case has been foisted out of enmity between the daughter-in-law of the petitioner and P.W.1.



Crl.M.P.(MD)No.2526 of 2024

WEB COPY

He further submits that the petitioner is having certain arguable points in this appeal. Since the petitioner is in jail for the past two years and seven months, he seeks for suspending the sentence imposed on the petitioner.

3. The learned Government Advocate (Crl. Side) submits that at the time of occurrence, the age of the victim child was 8 years and the petitioner was 55 years. He further submits that the petitioner has attempted to commit sexual assault on the victim child by removing her underwear. The victim child raised alarm and ran away. According to him, a clear case has been made out as against the petitioner.

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

5. P.W.1, the mother of the victim, is having enmity with the daughter-in-law of the petitioner. The same was admitted by P.W.1 in her evidence. One Backiyalakshmi was examined by the prosecution as P.W.4 and she turned hostile.

6. The petitioner has 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.

7. Accordingly, the substantive sentence of imprisonment alone is suspended



Crl.M.P.(MD)No.2526 of 2024

pending disposal of the criminal appeal and the petitioner is ordered to be enlarged
WEB COPY
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 Judicial
Magistrate No.I, Sivakasi and on further conditions that the petitioner shall stay at
Trichy and report before the Inspector of Police, Trichy Contonment Police Station,
Trichy, daily at 10.30 a.m. until further orders.

sd/-
20/03/2025

/ TRUE COPY /

21/03/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY
TO
1 THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

2 THE JUDICIAL MAGISTRATE NO.I,
SIVAKASI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIVAKASI,
VIRUDHUNAGAR DISTRICT.

<https://www.mhc.tn.gov.in/judis>



Crl.M.P.(MD)No.2526 of 2024

WEB COPY

6 THE INSPECTOR OF POLICE,
TRICHY CONTONMENT POLICE STATION,
TRICHY

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

ORDER
IN

Crl.M.P.(MD)No.2526 of 2024
in Crl.A.(MD)No.165 of 2024
Date :20/03/2025

SA/SAR. /21.03.2025/5P/8C

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