

CrI.MP(MD) No.2415 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.MP(MD) No.2415 of 2025

in

CrI.A(MD) No.245 of 2025

Rengasamy

... Petitioner

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
Vadamadurai All Women Police Station,
Dindigul District.
Crime No.2 of 2023

... Respondent

For Petitioner : Mr.R.L.Dhilipan Pandian

For Respondent : Mr.P.Kottaichamy
Government Advocate

ORDER

The petitioner, an accused in Spl.SC.No.262 of 2023 is the maternal uncle of the victim girl. He was tried by the learned Sessions Judge, (Fast Track Mahila Court), Dindigul for the offence punishable under Sections 9 & 11 of Child Marriage Act and Sections 5(j)(ii), (1) r/w 6 of POCSO Act and he was found guilty by the trial Court, convicted for the offence under Section 6 of POCSO Act and sentenced to undergo 20



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years rigorous imprisonment with fine of Rs.25,000/- and default sentence of 6 months simple imprisonment was also imposed. As against the conviction and sentence imposed by the trial Court in Spl.SC.No.262 of 2023, dated 30.12.2024, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.245 of 2025 and the same was admitted by this Court on 25.02.2025. 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 the victim girl is none other than the petitioner's sister's daughter, aged about 17 years. Without knowing the consequences, the mother of the victim girl has arranged the marriage of her daughter with her brother. The mother was also arrayed as A2 in the case, however, she was acquitted. The learned counsel further submits that none of the witnesses including the victim girl have supported the case of the prosecution. However, without considering the same, the trial Court has convicted this petitioner, by its judgment, dated 30.12.2024 and since then he is languishing in jail.

3.The learned Government Advocate appearing for the respondent submits that at the time of occurrence, the petitioner was 35 years and the victim girl was 17 years old. At the instance of the mother of the victim girl, her marriage was arranged with the petitioner. In fact, the marriage was performed under threat and coercion, due to which, the victim got pregnant and subsequently she got aborted considering her



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health condition. Since the evidence of the victim has not supported the case of the prosecution, A2/the mother of the victim was acquitted.

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

5.The case of the prosecution is that at the instance of the victim girl's mother, the marriage was arranged between the victim and her maternal uncle, who was aged about 35 years at that relevant point of time. The victim was aged about 17 years. Therefore, the case was registered as against this petitioner along with the mother of the victim. Since the victim girl has not supported the case of the prosecution, her mother was acquitted. According to the petitioner, even the statement of the victim girl has not supported the case of the prosecution, insofar as this petitioner is concerned.

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 reasons that the appeal could not be taken up

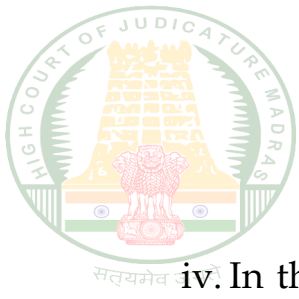


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immediately and also taking into consideration of the evidence of the victim girl, this
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Court is inclined to suspend the sentence imposed on the petitioner.

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 the following conditions:-

- i. The petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh) with two sureties each for a like sum to the satisfaction of the Sessions Judge, Special Court for POCSO Act Cases, Dindigul District.
- ii. The sureties and the petitioner shall file an undertaking before the respondent police that this petitioner will not misuse the liberty granted to him and he will not disturb the victim child at any point of time.
- iii. The petitioner shall stay at Tiruppur and report before the Inspector of Police, Tiruppur Town Police Station, Tiruppur daily at 10.30 a.m., till the disposal of the appeal.



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iv. In the event, if the petitioner has violated any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

sd/-
25/04/2025

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

vrn

To

1.THE SESSIONS JUDGE,
(FAST TRACK MAHILA COURT), DINDIGUL.

2. .THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
DINDIGUL DISTRICT.

3.THE INSPECTOR OF POLICE,
VADAMADURAI ALL WOMEN POLICE STATION,
DINDIGUL DISTRICT.

4.THE INSPECTOR OF POLICE,
TIRUPPUR TOWN POLICE STATION, TIRUPPUR

5.THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.



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

ORDER
IN
CRL MP(MD) No.2415 of 2025
Date :25/04/2025

PP/SAR. /24.04.2025/6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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