



Crl.M.P.(MD)No.2753 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.2753 of 2025 in

Crl.A.(MD)No.1031 of 2023

Raja,
S/o.Thangaraj,
North Street,
Chellakuttiyur,
Kovilur (P.O),
Gugiliyamparai,
Dindigul District.

Petitioner(s)

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Eriyodu Police Station,
Dindigul District.

Respondent(s)

For Petitioner(s):

Mr.S.Sarvagan Prabhu
Advocate

For Respondent(s):

Mr.A.S.Abul Kalam Azad,
Government Advocate (Crl. side)

ORDER

The petitioner is the sole accused in Spl.S.C.No.234 of 2023 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul. He was



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tried for the offence under Sections 450 and 366 IPC and Section 6 of POCSO Act.

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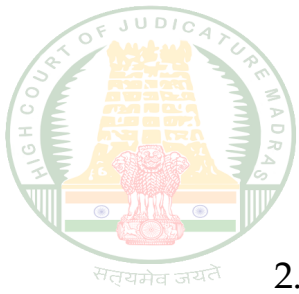
After the trial, the trial Court, by its Judgment dated 01.11.2023, found the petitioner guilty for the offence under Sections 450 and 366 IPC and Section 6 of POCSO Act and convicted and sentenced him as under:

(i) for the offence under Section 450 IPC, to undergo three years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment;

(ii) for the offence under Section 366 IPC, to undergo three years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment;

(iii) for the offence under Section 6 of POCSO Act, to undergo 20 years rigorous imprisonment and to pay a fine of Rs.2,000/-, 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.1031 of 2023 and the same has been admitted by this Court on 23.11.2023. The petitioner has already moved a petition to suspend the sentence in Crl.M.P.(MD)No.16516 of 2023 and the same was dismissed by this Court by order dated 03.09.2024. This is the second petition filed by the petitioner to suspend the sentence.



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2. The case of the prosecution is that at the time of occurrence, the victim girl was aged about 16 years. The petitioner is the neighbour. Since the petitioner sustained injuries in his leg, he was unable to do the house work. Therefore, the victim girl was helping the petitioner frequently. During that time, the petitioner and the victim girl fell in love. On 15.12.2022, the petitioner had sexual intercourse with the victim girl by giving false promise to marry her. Thereafter, he took the victim girl to various places. Based on a complaint, the petitioner was arrested and the victim girl was secured. Hence, the case.

3. The learned Government Advocate (Crl. Side) appearing for the respondent Police submits that the petitioner is a married man and he deserted his wife. Further, the petitioner had sexual intercourse with the victim girl by giving false promise to marry her.

4. The learned counsel appearing for the petitioner submits that the petitioner has realized his mistake and he is now ready to live with his wife and take care of their children. He further submits that the petitioner had committed this offence without knowing the consequences. According to him, the victim girl got married with another person. The learned counsel has produced an affidavit of undertaking filed by the petitioner's wife that the petitioner has realized his mistake and he undertakes that he will live along with her and will take care of their children



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and he will not disturb the victim girl at any point of time. The petitioner has also filed an affidavit to that effect. The petitioner is also prepared to file a similar undertaking affidavit before the respondent Police and he is ready to stay away from his village.

5. Though the earlier petition filed by the petitioner to suspend the sentence in Crl.M.P.(MD)No.16516 of 2023 was dismissed by this Court by order dated 03.09.2024, the appeal could not be taken up for final hearing for want of time. Further, the petitioner has raised certain arguable points in this appeal and that can be considered only during the final hearing. It is reported that the petitioner is in jail from the date of conviction, i.e. from 01.11.2023. Since the petitioner is in jail, his family members are also suffering. Now, the petitioner's wife has filed an affidavit that the petitioner has realized his mistake and he undertakes that he will live along with her and will take care of her children and he will not disturb the victim girl at any point of time. The petitioner has also filed an affidavit to that effect.

6. Considering the plight of the petitioner's family and the period of incarceration and that the appeal could not be taken up for final hearing immediately, this Court is inclined to suspend the sentence.

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be



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enlarged on bail on the following conditions:

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(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul.

(ii) The petitioner shall file an undertaking affidavit before the respondent Police that he will take care of his wife and children and he will not disturb and harass the victim girl at any point of time.

(iii) The petitioner shall stay at Tiruppur and report before the Inspector of Police, Tiruppur North Police Station, daily at 10.30 a.m, for a period of 30 days and thereafter, the petitioner shall report before the Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul as well as the respondent police, once in a month on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal. The petitioner shall not visit the victim girl and the village of the victim girl.

sd/-
17/04/2025

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17/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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OGY/VRN

TO

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1 THE SPECIAL JUDGE FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
DINDIGUL.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
ERIYODU POLICE STATION, DINDIGUL DISTRICT.

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

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

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-4389[I] dated 17/04/2025)

ORDER IN

Crl.M.P.(MD)No.2753 of 2025 in

Crl.A.(MD)No.1031 of 2023

Date :17/04/2025

SA/SAR. /17.04.2025/6P/7C

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