



CRL MP(MD) NO.2572 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07-03-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) No.2572 of 2025

in

CrI.A(MD) No.993 of 2024

S.Murugan

Petitioner

Vs

State represented by,
The Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram District.
(Crime No.268 of 2021)

Respondent

For Petitioner: Mr.K.K.Samy

For Respondent: Mr.A.S.Abul Kalam Azad, Government Advocate

ORDER

The petitioner was found guilty by the Fast Track Court (Mahilar Neethimandram) Ramanathapuram in Spl.S.C.No.80 of 2021 dated 24.01.2024 for the offence under Section 9(m), (n) r/w 10 of POCSO Act, 2012 and sentenced to undergo 5 years rigorous imprisonment with a fine of Rs.2,000/- in default to undergo 6 months simple imprisonment. As against the conviction and sentence imposed against him, the petitioner has preferred an appeal in CrI.A.(MD).No.993 of 2024 and the same was admitted by this Court. Pending the appeal, this petitioner has moved this application to suspend the sentence.

2. The prosecution case is that this petitioner, who is the neighbour and also a

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



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relative of the victim child and P.W.2, has misbehaved with the victim child and therefore, he was found guilty for the offences under Section 9(m), (n) r/w 10 of POCSO Act, 2012 and convicted and sentenced as stated supra.

3. The learned counsel appearing for the petitioner submits that the petitioner and PW2 are relatives. When the petitioner has made certain repair works in the pipe line, PW2 raised certain objections and has also assaulted the petitioner on 03.02.2019. For the same, a criminal case was registered as against PW2 on the file of the Muthukalathur Police Station for the offences under Section 294(b), 324 and 506(ii) of IPC. As a counter complaint, a complaint was lodged by P.W.2 Alagumari against the petitioner and the same was registered in Crime No.8 of 2019 for the offences under Sections 294(b), 323 of IPC and Section 4 of TNPHW Act. In both cases, final reports were filed and tried in C.C.No.27 of 2020 and C.C.No.53 of 2019. Both the cases ended in acquittal. The complaint of Alakumari (PW2) as against the petitioner which was tried in C.C.No.53 of 2019 ended in acquittal on 23.04.2021 and this complaint was lodged on 24.07.2021. Therefore, according to this petitioner, this complaint is a motivated one to wreck vengeance.

4. The learned counsel appearing for the petitioner further submits that this petitioner is in jail from the date of conviction i.e., on 24.10.2024 and submits that while he was in jail his condition has worsen and he was also admitted in Madurai



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Government Rajaji Hospital and his toe has been amputated.

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5. The learned Government Advocate (Crl.Side) appearing for the respondent referred to the statement of the victim under Section 164 of Cr.P.C and submits that the victim child has narrated the incident. Therefore, the petitioner cannot be granted suspension of sentence.

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

7. The petitioner counsel has projected his case that for having lodged a complaint against PW2, a counter complaint was lodged against the petitioner and this case was also foisted.

8. The petitioner is having some arguable points in the appeal and the appeal could not be taken up in the near future and also considering the period of incarceration of this petitioner and his present health condition, this Court is inclined to suspend the sentence imposed on this petitioner with certain conditions.

9. 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 learned Judge, Fast Track Court (Mahilar Neethimandram) Ramanathapuram and on further condition



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that the petitioner shall stay at Madurai and report before the Inspector of Police, Out
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Post Police Station, Rajaji Hospital, Madurai., daily at 10.30 a.m., until further orders.

The trial Court shall accept the surety only on payment of fine amount imposed as
against this petitioner.

sd/-
07/03/2025

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14/03/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

rgm

TO

1 THE JUDGE, FAST TRACK MAHILA COURT (MAHALIR NEETHIMANDRAM),
RAMANATHAPURAM.

2 THE INSPECTOR OF POLICE, MUTHUKULATHUR POLICE STATION,
RAMANATHAPURAM 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,
OUT POST POLICE STATION,
RAJAJI HOSPITAL,
MADURAI.



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ORDER

IN

CRL MP(MD) No.2572 of 2025

in

CrI.A(MD) No.993 of 2024

Date :07/03/2025

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