



Crl.MP(MD) No.3156 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.3156 of 2024

in

Crl.A(MD) No.218 of 2024

Boopathy

... Petitioner

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Melur, Madurai District.
[Crime No.88 of 2015]

... Respondent

Prayer: Petition filed under Section 389 (I) of BNSS to suspend the sentence passed by the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under Section POCSO Act, 2012, Madurai in SplSC.No.54 of 2018 dated 20.02.2023 and enlarge the petitioner on bail.

For Petitioner : Mr.F.Deepak

For Respondent : Mr.P.Kottaichamy,
Government Advocate

ORDER

The petitioner is accused No.1 and he was tried in SplSC.No.54 of 2018, convicted by the trial Court for the offence under Section 5(j)(ii) r/w Section 6 of the POCSO Act and Section 306 of IPC and sentenced to undergo 10 years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo 1 year simple imprisonment for each offence. As against the conviction and sentence imposed by



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the trial Court, the petitioner has filed an appeal in Crl A(MD)No.218 of 2024 along with this petition to suspend the sentence imposed on him by the trial court.

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2.This Court on 13.03.2024 ordered notice to the respondent and posted this petition to 08.04.2024. However it was not listed on 08.04.2024. This petitioner also did not take any steps to prosecute this petition. Thereafter the case was listed on 11.03.2025 on that day there was no representation for the petitioner and therefore this Court directed to list this petition on 14.03.2025. On 14.03.2025 a representation was made on behalf of the petitioner that he was intending to engage a senior counsel. At request of the learned counsel for the petitioner for engaging senior counsel, this Court adjourned this petition. Accordingly this petition is listed today.

3. Even today a request has been made on behalf of the petitioner that he has to engage a senior counsel.

4.The Government Advocate (Crl Side) is assisted by an officer from the respondent police station. The learned Government Advocate submits that the officers of the respondent police have appeared before this Court regularly on 11.03.2025, 14.3.2025 and also today. He further submits that at the time of occurrence the age of the victim girl was 17 years and the age of the petitioner was 29 years. The petitioner is a married man having two children and he by trothing the victim girl had impregnated her. Later on he refused to marry her. Therefore, she committed



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suicide while she was seven months pregnant. Further dying declaration was recorded. DNA test was also conducted and it matched with the petitioner.

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5.This Court considered the submission made by the learned Government Advocate (Crl Side) and perused the materials placed on record.

6.The victim died on account of the alleged act committed by the petitioner. The dying declaration points towards this petitioner. Apart from that the victim was 7 months pregnant when she committed suicide and the DNA also matched with the petitioner. Therefore, this Court is not inclined to entertain this application. Accordingly, this petition is dismissed.

7.The typed set of papers is made ready. Since this Court has dismissed this petition, the Registry is directed to list the main appeal during the 1st week of April 2025.

sd/-
21/03/2025

/ TRUE COPY /

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

DSK
TO
1 THE SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE TRIAL
OF CASES UNDER SECTION POCSO ACT, 2012,

MADURAI

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



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2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MELUR, MADURAI DISTRICT.

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

ORDER
IN
Crl.MP(MD) No.3156 of 2024
in
Crl.A(MD) No.218 of 2024
Date :21/03/2025

SA/VR/SAR. /01.04.2025/4P/5C

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