



Crl.M.P.(MD).No.3669 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2025

CORAM:

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD).No.3669 of 2025

in

Crl.A.(MD).No.351 of 2025

James

Petitioner(s)

Vs

The State of Tamil Nadu,
The Inspector of Police,
Shanarpatti Police Station,
Dindigul District.
(Crime No:175 of 2019)

... Respondent(s)

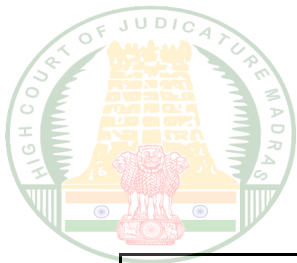
For Petitioner : Mr.G.Sakthi Rao

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

ORDER

The petitioner is the sole accused in Spl.S.C.No.56 of 2019, on the file of the learned Sessions Judge, Fast Track Mahila Court, Dindigul. He was tried for the offence under Section 506(1) of IPC and under Section 8 and 10 of the POCSO Act.

The Trial Court found the petitioner guilty, convicted and sentenced him as under:-



Crl.M.P.(MD).No.3669 of 2025

Offence under Section	Sentence
10 of the POCSO Act	Convicted and sentenced to undergo 5 years of rigorous imprisonment with a fine of Rs.10,000/-, in default to undergo 6 months of simple imprisonment.

2. As against the conviction and sentence imposed by the trial Court, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.351 of 2025 and the same has been admitted by this Court. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

3. The learned counsel for the petitioner submits that the victim child has not supported the evidence. In the absence of evidence, the trial Court has erroneously convicted the petitioner for the offence under Section 10 of the POCSO Act, and sentenced him to 5 years of rigorous imprisonment with a fine of Rs.10,000/-, in default to undergo 6 months simple imprisonment.

4. The learned counsel for the petitioner further submits that due to previous enmity between the victim's mother and the petitioner, a false case has been foisted against the petitioner. Therefore, he seeks to suspend the sentence.

5. The learned Government Advocate for the respondent submits that the statement of the victim child recorded under Section 164 of Cr.P.C. on 31.07.2019



Crl.M.P.(MD).No.3669 of 2025

states that the petitioner who is the neighbour has bite the child on her lips and also on her cheeks.

WEB COPY

6. The learned Government Advocate has also relied on the evidence of the Doctor P.W.10 and submits that the bite injuries were also noted by the Doctor at the time of examination of the victim child. Therefore, he vehemently opposed to suspend the sentence of the petitioner.

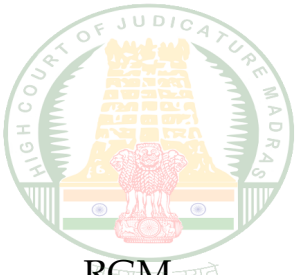
7. This Court considered the rival submissions made and perused the materials available on records.

8. Though, it is reported that the victim child has not supported the case of prosecution during the trial, considering the evidence of P.W.10 and the nature of offence, this Court is not inclined to suspend the sentence. Accordingly, this criminal miscellaneous petition is dismissed.

sd/-
09/04/2025

/ TRUE COPY /

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



Crl.M.P.(MD).No.3669 of 2025

TO
WEB COPY

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

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

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

ORDER IN
Crl.M.P.(MD).No.3669 of 2025
in
Crl.A.(MD).No.351 of 2025
Date :09/04/2025

SA/SAR. /25.04.2025/4P/5C

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