



Crl.M.P.(MD)No.3323 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.3323 of 2024

in Crl.A.(MD)No.288 of 2023

Ananth @ Arivanantham,
S/o.Manokaran,
Old Jeyangondam,
Krishnarayapuram Taluk,
Karur District.

Petitioner(s)

versus

The State
Rep. by the Inspector of Police,
All Women Police Station,
Kulithalai, Karur District.

Respondent(s)

For Petitioner(s):

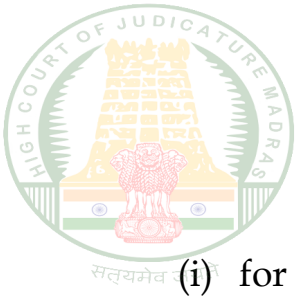
Mr.D.Venkatesh,
Advocate

For Respondent(s):

Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

ORDER

The petitioner is the sole accused in Spl.S.C.No.25 of 2022 on the file of the learned Additional Sessions Judge (Fast Track Mahila Court), Karur. After the trial, the trial Court, by its Judgment dated 31.01.2023, found the petitioner guilty for the offence under Sections 367 and 506(i) IPC and Section 6 of POCSO Act and convicted and sentenced him as follows:



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(i) for the offence under Section 367 IPC, to undergo 10 years simple imprisonment and to pay a fine of Rs.1,000/-, with the default sentence of one year simple imprisonment.

(ii) for the offence under Section 6 of POCSO Act, to undergo 20 years rigorous imprisonment and to pay a fine of Rs.1,000/-, with the default sentence of one year simple imprisonment.

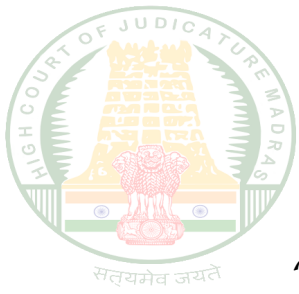
(iii) for the offence under Section 506(i) IPC, to undergo 2 years simple imprisonment and to pay a fine of Rs.1,000/-, with the default sentence of six months simple imprisonment.

Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.288 of 2023 and the same was admitted by this Court on 11.04.2023.

2. This is the second petition filed by the petitioner to suspend the sentence imposed by the trial Court. The earlier petition filed by the petitioner in Crl.M.P.(MD)No.15331 of 2023, was dismissed by this Court, by its order dated 22.12.2023.

3. This Court has perused the earlier order of this Court dated 22.12.2023.

4. In the earlier petition, this Court, after considering the case in detail, came to a conclusion that it is not a fit case for suspending the sentence and dismissed the petition as under:

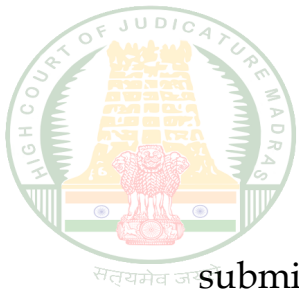


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“6. The learned counsel for the petitioner has submitted that the accused is relative of the defacto complainant and her husband and there was land dispute between both families and due to that motive, the case is foisted against the accused. The victim boy aged 10 years, alleged anus sex against the accused. As per the victim boy's evidence, there was such annul sex at an earlier point of time, but he had not disclosed the same to his parents. This incident is second time according to victim boy. There was one day delay in registering FIR. The evidence of medical officers P.W.7 and P.W.8 has not supported the prosecution case and no external injury as per medical evidence. Further there is contradiction regarding seizure of M.O.1 and M.O.2 between the prosecution witnesses. The learned counsel further contended that the Trial Court has not considered or appreciated the evidence adduced on the side of defence D.W.1 to D.W.3. The petitioner is in prison totally for the past 1 ½ years including remand period during trial. The petitioner has fair chance of succeed in appeal. Therefore, the learned counsel for the petitioner prays for suspension of sentence and bail for the petitioner.

7. Per contra, the learned Additional Public Prosecutor would



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submit that the victim boy was aged about 7 years old at the time of alleged occurrence. The accused is known the victim boy. The victim child narrated the crime committed by the accused to P.W.1 over phone as his parents lived at Gandhigram. The victim as P.W.2 clearly deposed about the penetrative assault by the petitioner. The doctors clearly deposed that there was seen no injury as the boy was medically examined after twice bath and natural call. The Trial Judge has properly appreciated the evidence adduced by the prosecution and has correctly passed the judgment convicting the accused as stated therein. The petitioner is awarded 20 years imprisonment. The gravity of offence committed by the petitioner has to be looked in this case. Therefore, he strongly opposed to grant suspension of sentence.

8. On hearing both side rival arguments and on perusal of records, it is clear that the petitioner was convicted and sentenced to imprisonment as stated supra. During the course of argument, the learned counsel for the petitioner has drawn the attention of the court to certain grounds of defence that the petitioner has been falsely implicated in this case since there was land dispute between both families. The contention of the learned counsel for the petitioner raised



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in this petition is a matter for consideration in the appeal. The petitioner is in jail for a short period from the date of judgment against total period of sentence of 20 years. Therefore, considering the gravity of the offence and the manner in which, the offence was committed by the petitioner, this Court is not inclined to suspend the sentence at this stage and also this is not a fit case to exercise the jurisdiction of suspense of sentence.

9. In the result, this Criminal Miscellaneous Petition is dismissed.”

5. Considering the nature of offence and as there is no change in circumstances after the dismissal of the earlier petition, this Court is not inclined to entertain this petition. Accordingly, this Criminal Original Petition is dismissed.

6. It is reported that the typed set of papers is also made available and therefore, the Registry is directed to list the Criminal Appeal for final disposal.

sd/-
14/03/2025

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



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TO
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1 THE ADDITIONAL SESSIONS JUDGE,
(FAST TRACK MAHILA COURT), KARUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KULITHALAI, KARUR DISTRICT.

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

ORDER IN
CRL MP(MD) No.3323 of 2024
Date :14/03/2025

SA/SAR. /23.04.2025/6P/5C

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