



CRL MP(MD) NO. 3271 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12-03-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) NO. 3271 of 2025

in
CRL A(MD) No.862 of 2022

Karuppasamy

S/o.Pandian,

Kattanacheval Street,

Thayilpatti, Sivakasi Taluk,

Virudhunagar District

... Petitioner / Appellant

Vs

The State of Tamil Nadu

Rep by The Inspector of Police,

Sattur All women Police station,

Virudhunagar District.

Crime No. 12/2018

... Respondent / Respondent

For Petitioner : M/s. Jegadeesan. M,
Advocate

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



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ORDER

The petitioner was found guilty by the Special Court (POCSO Act Cases), Virudhunagar at Srivilliputhur in Spl.S.C.No.09 of 2019 for the offences convicted and sentenced as under:-

Offence	Sentence
u/s. 9(m) r/w. 10 of POSCO Act	Sentenced to undergo 5 years of rigorous imprisonment with fine of Rs.5,000/- and in default of payment of fine to undergo 1 year simple imprisonment
u/s. 11(1) r/w. 12 of POSCO Act	Sentenced to undergo 3 years of rigorous imprisonment with fine of Rs.3,000/- and in default of payment of fine to undergo 6 months simple imprisonment

2. As against the conviction and the sentence imposed by the trial Court, the petitioner had filed CrI.A(MD)No.862 of 2022. He had also filed an application to suspend the sentence in CrI.M.P(MD)No.15703 of 2022 and the same was dismissed by this Court by an order dated 18.09.2024. This is the second application filed to suspend the sentence imposed on the petitioner.



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3. The learned counsel for the petitioner submits that though the victim child has stated that the petitioner had forcibly attempted to commit offence, there was no injury on the victim child. He relied on the evidence of PW12/Doctor and submits that the occurrence took place on 19.10.2018 and the victim was subjected for medical examination after two days i.e., on 21.10.2018. According to the doctor not even any abrasion was found on the victim child.

4. The learned counsel for the petitioner further submits that this petitioner is in jail from the date of conviction on 09.11.2022, for more than two years. Though the earlier application was dismissed on 18.09.2024, appeal has not been taken up for final disposal.

5. The learned Government Advocate by referring to the evidence of PW2 submits that the victim has narrated the incident. The occurrence took place on 19.10.2018 and the victim was subjected for medical examination on 21.10.2018. Therefore, the contention of the petitioner that if there was any injury, it would have been noted by PW12/Doctor who examined the victim, cannot be a sufficient ground for acquitting the accused. Therefore, he objects to this petition.



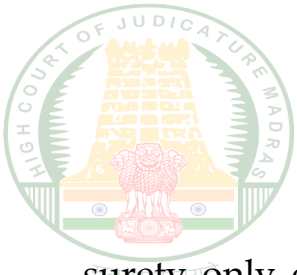
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6. This Court considered the rival submissions and perused the materials available on record.

7. The petitioner has raised certain arguable points which can be considered only during the final hearing of the appeal. Even after dismissal of the earlier petition on 18.09.2024, the appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioner, his period of incarceration and for the reasons that the appeal could not be taken up immediately, his Court is inclined to allow this petition with a condition that this petitioner shall not visit the scene of occurrence till disposal of the appeal.

8. 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 Special Court (POCSO Act Cases), Virudhunagar at Srivilliputhur on further condition that the petitioner shall stay at Coimbatore and report before C1 Katoor Police Station, Coimbatore, daily at 10.30 a.m., until further orders. The trial Court shall accept the



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surety only on payment of fine amount imposed as against this petitioner. In any event, if the petitioner visits the place of occurrence, this order would be recalled.

The petitioner shall also file an affidavit before the concerned trial Court and the concerned Police Station that he will not visit the place of occurrence, pending disposal of the appeal.

Sd/-
12/03/2025

/ TRUE COPY /

17/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

rgm

TO

1. The Judge,
Special Court (POCSO Act Cases),
Virudhunagar at Srivilliputhur.
2. The Inspector of Police,
Sattur All women Police station,
Virudhunagar District.
3. The Superintendent,
Central Prison,
Madurai.



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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Inspector of Police,
C1 Katoor Police Station,
Coimbatore.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-2714[I] dated
12/03/2025)

ORDER IN
CRL MP(MD) NO. 3271 of 2025
in
CRL A(MD) No.862 of 2022
Date :12/03/2025

ES/17.03.2025/6P/7C

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