



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CrI.M.P.(MD)No.3758 of 2024

in CrI.A.(MD)No.260 of 2024

Kadarkarai,

S/o.Muthaiya,

Nathikudi, Maraneri,

Sivakasi Taluk,

Virudhunagar District.

Petitioner(s)

Vs

State, rep. by

The Inspector of Police,

All Women Police Station,

Maraneri Police Station,

Sivakasi,

Virudhunagar District.

Crime No.263/2014.

Respondent(s)

For Petitioner(s):

Mr.M.Jegadeesh Pandian

Advocate

For Respondent(s):

Mr.P.Kottaichamy,

Government Advocate (CrI. Side)



ORDER

WEB COPY

The petitioner is the sole accused in Special S.C.No.1 of 2015 on the file of the Mahila Fast Track Court, Virudhunagar District at Srivilliputhur. After the trial, the trial Court, by its Judgment dated 24.10.2019, found the petitioner guilty for the offence under Sections 451 and 354(B) IPC and Section 3 r/w. 4 of POCSO Act and convicted and sentenced him as follows:

(i) for the offence under Section 451 IPC, to undergo 3 years rigorous imprisonment and to pay a fine of Rs.10,000/-, with the default sentence of six months simple imprisonment.

(ii) for the offence under Section 354(B) IPC, to undergo 4 years rigorous imprisonment and to pay a fine of Rs.10,000/-, with the default sentence of six months simple imprisonment.

(iii) for the offence under Section 3 r/w. 4 of POCSO Act, to undergo 10 years rigorous imprisonment and to pay a fine of Rs.25,000/-, with the default sentence of one year simple imprisonment.

Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in CrI.A.(MD)No.260 of 2024 along with the petition for suspension of sentence. The Criminal Appeal was admitted by this Court on 27.03.2024.



WEB COPY

2. The learned counsel appearing for the petitioner submits that according to the prosecution, the victim girl was minor at the time of occurrence. But, the prosecution has not produced any birth certificate and any proof of birth to prove the age of the victim girl. He further submits that Ex-P1-FIR is not corroborated by the evidence of P.W.1 and P.W.2 and the place of occurrence was not at all proved by the prosecution. He further submits that the crucial eye witness P.W.11 and other witness P.W.12 turned hostile and did not support the case of the prosecution. Further, there is no corroboration between the evidence of other eye witnesses P.W.3 and P.W.4. Therefore, the petitioner is having certain arguable points in this appeal.

3. The learned counsel appearing for the petitioner further submits that the petitioner is in jail for the past five years and seven months and even during the trial, he was in jail for three months and as such, he underwent imprisonment for a period of six years. Therefore, he seeks for suspension of sentence.

4. The learned Government Advocate (Crl. Side) has raised certain objections for suspension of sentence.



WEB COPY

5. Considering the period of incarceration and also considering the fact that the petitioner is having certain arguable points in this appeal and as there is no likelihood of listing the criminal appeal for final hearing in the near future, this Court is inclined to suspend the sentence imposed on the petitioner.

6. 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 Mahila Fast Track Court, Virudhunagar District at Srivilliputhur and on further conditions that the petitioner shall stay at Tiruppur and appear before the Inspector of Police, Tiruppur Town Police Station, Tiruppur, daily at 10.30 a.m. till the disposal of the appeal and he shall not visit the village of the victim girl (village of occurrence) till the disposal of the appeal.

sd/-
03/03/2025

/ TRUE COPY /

04/03/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.



oggy
TO
WEB COPY

1 THE JUDGE, THE MAHILA FAST TRACK COURT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
TIRUPPUR TOWN POLICE STATION, TIRUPPUR.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MARANERI POLICE STATION, SIVAKASI, VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-2395[I] dated 04/03/2025)

ORDER
IN
CRL MP(MD) No.3758 of 2024
Date :03/03/2025

NBF/SAR/ (04/03/2025) 5P/7C

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