



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17-03-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) NO. 3506 of 2025
in CRL A(MD)NO.685 of 2024

Sathish

Petitioner(s)

Vs

The State of Tamil Nadu
Rep by The Inspector of Police,
Velayuthapattinam Police Station,
Sivagangai District. Crime No. 41/2019

Respondent(s)

For Petitioner(s):

D.Rameshkumar

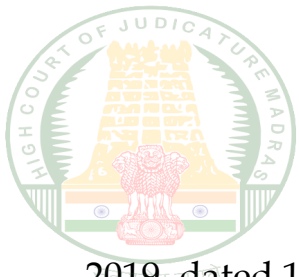
For Respondent(s):

A.S.Abul Kalam Azad

Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition is filed by the petitioner /accused to suspend the sentence imposed as against him by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Sivagangai, in Spl.S.C. No.38 of



2019, dated 16.07.2024.

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2.The petitioner was the sole accused and he was charged for the offence u/s.5 (1) r/w.6 of the POCSO Act.. The trial Court has found the petitioner / accused guilty for the offence u/s.363 r/w 361 IPC, 5(1) r/w 6 of the POCSO Act, convicted and sentenced him as follows:-

- to undergo rigorous imprisonment for five years and a fine of Rs.1,000/-, in default, to undergo simple imprisonment for one month, for the offence u/s.363 r/w 361 IPC;
- to undergo rigorous imprisonment for twenty years and a fine of Rs.5,000/-, in default, to undergo simple imprisonment for six months, for the offence u/s.5 (1) r/w 6 of the POCSO Act.

3.Learned counsel for the petitioner/appellant submitted that the petitioner is a married man, having two children. Knowing that he is a married man, the victim, aged about 17 years, had an affair with him and also eloped with him. He claims that the petitioner, without knowing the consequences, on the compulsion of the victim, has taken her to Chennai and had a relationship. The petitioner is in jail from 16.07.2024. The petitioner is having a fair chance of succeeding in the appeal and therefore, he prayed to suspend the sentence pending the criminal appeal.

4.The learned Government Advocate (Crl. Side) appearing for the State



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submitted that the trial Court has considered the evidence and the documents produced by the prosecution and rightly found the petitioner guilty and convicted. Therefore, he has raised his objection to suspend the sentence imposed on the petitioner, pending this appeal.

5.This Court considered the submissions made by the learned Counsel on either side and perused the materials placed on record.

6.It appears to be a case of love affair. The victim was aged about 17 years at the time of occurrence and the petitioner / appellant is a married man, having two children. The petitioner has made out certain arguable points, which needs to be considered at the time of final disposal of the appeal. However, the appeal could not be taken up for final hearing in the near future. The petitioner is in jail from 16.07.2024 onwards. Therefore, this Court is inclined to suspend the sentence imposed on the petitioner.

7.Accordingly, this miscellaneous petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal. 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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Sivagangai. The petitioner shall stay at Chennai and shall



report before the Station House Officer, B4 High Court Police Station, Chennai City,
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daily at 10.30 a.m., until further orders.

sd/-
17/03/2025

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19/03/2025

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

gk
TO

- 1 THE SESSIONS JUDGE, SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT, SIVAGANGAI.
 - 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 - 3 THE INSPECTOR OF POLICE,
VELAYUTHAMPATTINAM POLICE STATION, SIVAGANGAI DISTRICT.
 - 4 THE STATION HOUSE OFFICER, B4 HIGH COURT POLICE STATION,
CHENNAI CITY.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.D.RAMESHKUMAR, Advocate (SR-3036[I] dated 18/03/2025)

ORDER
IN
CRL MP(MD) No.3506 of 2025
Date :17/03/2025



NBF/SAR/ (19/03/2025) 5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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