



Crl.M.P.(MD).No.4024 of 2025

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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.4024 of 2025

in

Crl.A.(MD).No.106 of 2025

Sivanandi

... Petitioner(s)

Vs

The State of Tamil Nadu,
The Inspector of Police,
All Women Police Station,
Dindigul.

(Crime No:16 of 2024)

... Respondent(s)

For Petitioner

: Mr.C.Narendren

For Respondent

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

ORDER

The petitioner is the sole accused in Spl.S.C.No.84 of 2024, on the file of the learned Sessions Judge, Fast Track Court for Women, Dindigul. He was tried before the trial Court and the trial Court found him guilty, convicted and sentenced as under:-



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Offence under Section	Sentence
6 of the POCSO Act, 2012	Convicted and sentenced to undergo 20 years rigorous imprisonment with a fine of Rs.25,000/-, in default to undergo rigorous imprisonment for 6 months

2. As against the conviction and sentence imposed by the trial Court, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.106 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 case of the petitioner is that the petitioner is the close relative of the victim girl. The petitioner and the victim girl were aged 28 and 17 years at the time of occurrence. Without knowing the consequences, they had a physical relationship and therefore, prosecution was laid and the petitioner has been found guilty, convicted and sentenced as stated supra.

4. The learned counsel for the petitioner submits that the petitioner and the victim girl are close relatives and the family members have also inclined to arrange marriage for the petitioner with the victim girl after she attains the age of 18 years.

However, without knowing the consequences, the petitioner has committed the

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offence, for which he has been prosecuted and he is now in jail from the date of conviction on 27.12.2024.

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5. He further submits that the petitioner has also filed an affidavit that he is prepared to marry the victim girl after she attains the age of 18 years. Therefore, he seeks to suspend the sentence as against the petitioner.

6. The learned Government Advocate for the respondent has also ascertained the intention of the victim girl through the respondent police and submits that the victim girl is also willing to marry the petitioner after attaining the age of 18.

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

8. The learned counsel on either side submits that none of the prosecution witnesses have supported the case of the prosecution during the trial.

9. The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the affidavit given by the petitioner that he will marry the victim girl once she attains majority and also considering that it was a love affair without understanding the consequences and also considering his period of incarceration, this Court is inclined to suspend the sentence imposed on this petitioner. Accordingly, the sentence has been suspended with the following



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conditions:-

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- i. The petitioner shall furnish two sureties for a sum of Rs.50,000/- each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam;
- ii. The petitioner shall stay at Nagercoil and report before the Inspector of Police, Nesamony Nagar Police Station, Nagercoil, daily at 10.30 a.m., until further orders;
- iii. In any event, if the petitioner violates the condition, this order would be recalled and the respondent police shall move an application for cancellation of bail.

sd/-

09/04/2025

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17/04/2025

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

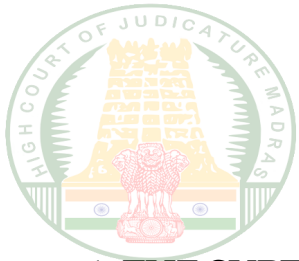
RGM

TO

1 THE SESSIONS JUDGE,
FAST TRACK COURT FOR WOMEN, DINDIGUL.

2 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.



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4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DINDIGUL.

6 THE INSPECTOR OF POLICE,
NESAMONY NAGAR POLICE STATION,
NAGERCOIL

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

ORDER
IN
Crl.M.P.(MD).No.4024 of 2025
in
Crl.A.(MD).No.106 of 2025
Date :09/04/2025

SA/SAR. /16.04.2025/5P/8C

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