



CRL MP(MD) NO. 10178 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21-03-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) NO. 10178 of 2024

in

CRL A(MD) NO.790 of 2024

Vasanthakumar
S/o.Thangavel, Kuppam Post, Pugalur Taluk, Karur.
Now confined at Central Prison, Trichy.

Petitioner(s)

Vs

The State of Tamilnadu
Rep. by The Inspector of Police,
All Women Police Station, (Rural), Karur.
(In Crime No.4/2022).

Respondent(s)

For Petitioner(s):

M/s.Sivakumar.K.T.S
J.Madhu
Ph:9943966755

For Respondent(s):

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

ORDER

The petitioner is the sole accused in Spl.S.C.No.18 of 2020, on the file of the learned Additional Sessions Judge, Fast track Mahila Court, Karur for the offences under

Section 366, 341, 506(i) of IPC and Section 6 of POCSO Act, 2012. The Trial Court

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found the petitioner guilty, convicted and sentenced him as under:-

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Offence under Section	Sentence
Section 366 of IPC	Convicted and sentenced to undergo 10 years imprisonment with fine of Rs.1,000/-, and in default to undergo 1 year simple imprisonment.
Section 341 of IPC	Convicted and sentenced to undergo 1 year imprisonment
506(i) of IPC	Convicted and sentenced to undergo 2 years imprisonment with a fine of Rs.1,000/- and in default to undergo 6 months simple imprisonment.
6 of POCSO Act	Convicted and sentenced to undergo 20 years rigorous imprisonment with a fine of Rs.1,000/- and in default to undergo 1 year simple imprisonment.

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2. As against the conviction and sentence imposed by the trial Court, the petitioner has filed a Criminal Appeal in CrI.A(MD) No.790 of 2024 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 prosecution is that the petitioner is aged about 21 years and the victim girl is aged about 15 years and they had a love affair. Taking advantage of that the petitioner had forcibly assaulted the victim girl.

4. The learned counsel for the petitioner submits that the petitioner and the victim girl are relatives and they had a love affair. By relying on the statement of the victim recorded under Section 164 of CrPC and the evidence of the victim, he submits that there was a love affair between the petitioner and the victim girl. He also submits that the petitioner is still prepared to marry the victim girl and he has also filed an affidavit to that effect.

5. The learned Additional Public Prosecutor for the respondent submits that the petitioner and the victim girl are relatives and taking advantage of that the petitioner assaulted the victim girl. Hence, he vehemently opposed to suspend the sentence of the petitioner.



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on record.

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

7. Considering the affidavit filed by the petitioner, this Court has verified with the investigation officer as to the present stage and whether the victim girl is willing to marry the petitioner. The investigation officer submits that she has verified with the victim girl and the victim girl refused to marry the petitioner.

8. The learned counsel for the petitioner responded that the petitioner will not visit the scene village and he will not disturb the victim girl any more. To that effect, he is prepared to file an affidavit before the respondent police and also before the learned Judicial Magistrate.

9. The petitioner has raised certain arguable points which can be considered only during the final hearing of the appeal. Considering the undertaking given by the petitioner that he will never visit the scene of village and will not disturb the victim girl any more 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 conditions:-

i. That the petitioner shall file an affidavit before the Additional Sessions Judge,

Fast Track Mahila Court, Karur and the respondent police station that he will



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not disturb the victim girl and he will not visit the scene village;

ii. The petitioner shall furnish two sureties for a sum of Rs.50,000/- each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Karur;

iii. The petitioner shall stay at Tirunelveli and report before the Inspector of Police, Tirunelveli Town Police Station, daily at 10.30 a.m., until further orders;

iv. 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/-
21/03/2025

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

rgm

To

1. The Additional Sessions Judge, Fast track Mahila Court,
Karur.

2. The Inspector of Police,
All Women Police Station, (Rural),
Karur.

<https://www.mhc.tn.gov.in/judis>



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3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4. The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli.

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

+1 CC to M/s.K.T.S.SIVAKUMAR, Advocate (SR-3277[I] dated 21/03/2025)

ORDER

IN

CRL MP(MD) NO. 10178 of 2024

in

CRL A(MD) NO.790 of 2024

Date :21/03/2025

MK/GSV/SAR /02.04.2025 6P/7C

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