



Crl.MP(MD) No.4425 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 17.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.4425 of 2025
in Crl.A(MD) No.414 of 2025

Ramaraj

... Petitioner

Vs.

State of Tamil Nadu
Represented by
the Inspector of Police,
All Women Police Station,
Kodaikanal,
Dindigul District.
(Crime No.12 of 2023)

... Respondent

Prayer: Petition filed under Section 430 (1) of BNSS to suspend the sentence of imprisonment imposed in SplSC.No.296 of 2023 on the file of the Sessions Judge / Special Court for the Exclusive Trial of Cases under POCSO Act, Dindigul dated 07.02.2025 and enlarge the petitioner on bail pending disposal of the above said criminal appeal.

For Petitioner : Mr.A.Saravanan

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

Government Advocate (Crl Side)



Crl.MP(MD) No.4425 of 2025

ORDER

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The petitioner is an accused in CC.No.12 of 2023. He has been tried by the Special Court for Exclusive Trial of Cases under the POCSO Act, Dindigul in SplSC.No.296 of 2023, has been convicted and sentenced to undergo 5 years rigorous imprisonment with a fine of Rs.50,000/- in default to undergo 6 months simple imprisonment for the offence under Section 10 of the POCSO Act. As against the conviction and the sentence imposed by the trial Court, this petitioner has filed an appeal before this Court in Crl.A(MD) No.414 of 2025 and the same has been admitted by this Court. Along with the appeal this petition has been filed to suspend the sentence imposed on him.

2.The allegation against this petitioner is that he had misbehaved with PW2 and PW3 the victim girls, who are the nationals of Netherlands, residing in Kodaikanal and doing service in an NGO. It appears that there is some dispute since the petitioner has placed loud speakers on the top of the victims' house during the temple festival. The victim PW1 had opposed his behaviour towards her few months prior to the festival. PW3 the sister of PW2, in her evidence has stated that she was aware of the commission of offence by the petitioner as against her sister PW2 and therefore, the petitioner had attempted to misbehave with her also. Both PW2 and PW3 did not inform this misbehaviour of the petitioner to their parents. It



Crl.MP(MD) No.4425 of 2025

appears that the complaint was lodged only after a week of the temple festival.

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3.The learned counsel for the petitioner submits the victim girls and their mother are native of Netherlands. They are not conversant with Tamil language. Therefore complaint has been lodged in English, which has been translated by PW5. However, the prosecution has proceeded with the translated version of the complaint and the original complaint of PW1 mother of the victims has not been placed before the Court. Further the investigating officer has deposed that the petitioner was arrested at 9.30 am on 13.06.2023, but the CCTV footage shows that he was arrested on 6.00am. The age of the victim girls was taken as 15 years based on the bonafide certificates issued by the Principal of the School, but no other conclusive proof has been marked to prove the age of the victims. Further a complaint was lodged against the petitioner for using loud speakers just before few days to the present complaint. The trial Court has failed to note all these aspects and had erroneously convicted the petitioner.

4.The learned Government Advocate appearing for the respondent submits that the prosecution has proved its case by the prosecution witnesses and the exhibits and the trial Court has rightly considered the same and rendered the judgment.



Crl.MP(MD) No.4425 of 2025

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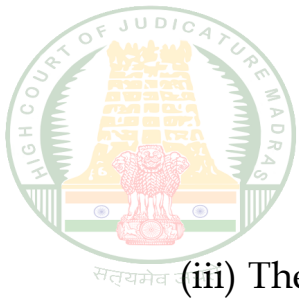
5.This Court considered the rival submissions made and perused the material placed on record.

6.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 points raised by the petitioner and for the reason that the appeal could not be taken up immediately, the petitioner's period of incarceration this Court is inclined to allow this petition.

7.Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending disposal of the criminal appeal.

(i)The petitioner is ordered to be enlarged on bail on executing a bond for Rs.1,00,000/- (Rupees One Lakh) with two sureties each for a like sum, to the satisfaction of the Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul. Of the two sureties, one must be the government servant and the other must be a respectable person in the locality.

(ii) The petitioner shall not visit Kodaikanal pending this appeal. The petitioner and the sureties shall file an affidavit before the respondent Police that pending the appeal he will not visit kodaikanal and he will not disturb the victims.



Crl.MP(MD) No.4425 of 2025

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(iii) The petitioner shall stay at Tanjore and report before the Gandharvakottai Police Station daily at 10.30 am.

(iv) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence.

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17/04/2025

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

DSK
To

- 1.The Sessions Judge,
Special Court for the Exclusive
Trial of Cases under POCSO Act,
Dindigul.
- 2.The Inspector of Police,
All Women Police Station,
Kodaikanal,
Dindigul District.
- 3.The Superintendent,
Central Prison,
Madurai.
- 4.The Inspector of Police,
Gandharvakottai Police Station, Tanjore.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

<https://www.hmhc.in.gov.in/judis>



Crl.MP(MD) No.4425 of 2025

+3 CC to M/s.A.SARAVANAN, Advocate (SR-4379[I] dated 17/04/2025)

ORDER
IN

Crl.MP(MD) No.4425 of 2025
in Crl.A(MD) No.414 of 2025

Date :17/04/2025

MK/SAR /21.04.2025 6P/7C

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