



CRL MP(MD) NO. 5484 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18-02-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) NO. 5484 of 2024

IN

CRL A(MD)NO.458 of 2024

Kaliraj
S/o.Irulappan,
3/15, North Street, Keelthayilpatti,
Sivakasi Taluk, Virudhunagar District.

Petitioner(s)

Vs

The Inspector of Police
All Women Police Station, Sivaksi,
Virudhunagar District.

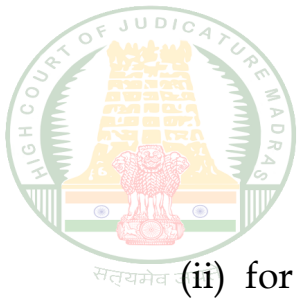
Respondent(s)

For Petitioner(s): Mr.S.Vijayakumar, Advocate
For Respondent(s): Mr.P.Kottaichamy, Government Advocate (Crl. Side)

ORDER

The petitioner is an accused in Spl.S.C.No.6 of 2022 on the file of Special Court for Exclusive Trial of cases under POCSO Act, Srivilliputhur. After the trial, the trial Court, by its Judgment dated 13.03.2023, found the petitioner guilty for the offence under Section 10 of POCSO Act and Section 506(i) IPC and convicted and sentenced him as follows:

(i) for the offence under Section 10 of POCSO Act, to undergo 7 years rigorous imprisonment and to pay a fine of Rs.1,000/-, with the default sentence of 3 months simple imprisonment.



CRL MP(MD) NO. 5484 of 2024

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(ii) for the offence under Section 506(i) IPC, to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/-, with the default sentence of 2 months simple imprisonment.

Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.458 of 2024 along with the petition for suspension of sentence. The Criminal Appeal was admitted by this Court on 06.06.2024.

2. The learned counsel appearing for the petitioner submits that the victim girl is aged about 8 years and the prosecution has not conducted any identification parade. Since the petitioner is in jail from the date of conviction, he prays for suspension of sentence.

3. The learned Government Advocate (Crl. Side) submits that the petitioner/accused has been engaged by the Municipality for eradication of mosquitoes programme. On the date of occurrence, the victim child was in her house along with her younger sister aged about six years and the parents of the victim girl, who are coolie workers, went for work and at that point of time, the petitioner, taking advantage of the same, entered into the house and also abused the victim child. The victim child has intimated the same to her parents and they took her to the Municipality office and identified the accused and thereafter, this complaint has been lodged. The learned Government Advocate has also referred to the statement of the



CRL MP(MD) NO. 5484 of 2024

victim child recorded under Section 164 Cr.P.C. and also the evidence of the victim child.

4. This Court considered the materials placed on record.

5. Considering the nature of allegations, considering the age of victim child and also considering the materials available as against the petitioner, this Court is not inclined to entertain this petition. Accordingly, this Criminal Miscellaneous Petition is dismissed.

sd/-
18/02/2025

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/03/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
SRIVILLIPUTTUR.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIVAKSI TALUK,
VIRUDHUNAGAR DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

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



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ORDER

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IN

CRL A(MD)NO.458 of 2024

Date :18/02/2025

RS/GSV/SAR-(12.03.2025) 4P 5C

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