



CrI.M.P.(MD)No.5051 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CrI.M.P.(MD)No.5051 of 2024

in

CrI.A.(MD)No.398 of 2024

John Maxim,
S/o.Bastin,
No.180, Raja Street, Ranjithapuram,
Subramaniyapuram,
Tiruchirappalli.

Petitioner(s)

versus

The Inspector of Police,
Cantonment All Women Police Station,
Tiruchirappalli.

Respondent(s)

For Petitioner(s):

Mr.J.Madhu Advocate

For Respondent(s):

Mr.P.Kottaichamy,

Government Advocate (CrI. Side)

ORDER

The petitioner is the sole accused in Spl.S.C.No.18 of 2021 on the file of the learned Sessions Judge, Mahila Court, Tiruchirappalli. After the trial, the trial Court, by its Judgment dated 18.03.2024, found the petitioner guilty for the offence under Sections 5(m) & 5(l) r/w. 6(1) of POCSO Act and convicted and sentenced him to undergo twenty years rigorous imprisonment and to pay a fine of Rs.10,000/-, in



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default to undergo six months simple imprisonment. Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.398 of 2024 and the same was admitted by this Court on 30.04.2024. The petitioner has also moved this petition seeking to suspend the sentence imposed by the trial Court.

2. The case of the prosecution is that the defacto complainant is the mother of the victim child. They were residing in an 11-storey-building on rent. The petitioner/accused is a neighbour of the defacto complainant. Since the petitioner was often speaking with the victim child, the defacto complainant shifted the house. Thereafter, on 06.09.2022 at about 10.30 p.m., when the victim child was seeing her mobile phone, the defacto complainant shouted at her and noted that she has another mobile phone. On enquiry, the victim child told her that the petitioner has gifted the mobile phone to her. Angered over the same, the defacto complainant has broken the said mobile phone. Thereafter, the victim child ran towards the petitioner's house, at that time, the petitioner's came out of the house. When the defacto complainant questioned the petitioner, he said that he is in love with her daughter for 2 years and he is going to get married. Thereafter, the defacto complainant and her husband took her back home. At that time, she informed that in the year 2018, the petitioner proposed his love to her by buying a Dairy Milk chocolate and chicken roll pizza and thereafter, in the month of February 2019, the petitioner kissed and hugged her and



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on the other day, the petitioner took her to the bedroom and had sexual relationship with her, by giving false promise that he would marry her.

3. The learned counsel appearing for the petitioner submits that the occurrence had taken place in the year 2018 and the complaint was lodged after two years. Even according to the evidence of P.W.6-victim child, she had love affair with the petitioner. The learned counsel for the petitioner, by referring FIR, submits that in fact, the victim's mother had scolded her and she has taken asylum in the petitioner's house. Therefore, this complaint has been foisted against the petitioner. The learned counsel, by referring the evidence of P.W.6, the victim herself has admitted that the petitioner has also advised her to pursue her studies. Since the petitioner is in jail from the date of Judgment, i.e. from 18.03.2024, he seeks for suspending the sentence.

4. The learned Government Advocate (Crl. Side) submits that the age of the victim was 12 years at the time of occurrence and the age of the petitioner was 32 years. The victim's family was staying in an apartment and the petitioner is a neighbour. Taking advantage of the loneliness of the victim child, the petitioner moved with the victim child by gifting her chocolates and chicken roll pizza and induced her to have physical relationship. The petitioner, by making the victim child to believe that he would marry her, had physical relationship with her. The learned Government Advocate, by relying on the evidence of P.W.12-Doctor, submits that



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hymen was also damaged. Therefore, he has strongly opposed to grant suspension of sentence.

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

6. At the time of occurrence, the victim child was aged about 12 years. The petitioner, who was aged about 32 years, was said to have exploited the victim child. The available evidence has made out a case as against the petitioner. Further, the grounds raised by the petitioner can be considered only at the time of final hearing.

7. Considering the nature of offence and also considering the available materials as against the petitioner, this Court is not inclined to entertain this petition. Accordingly, this Criminal Miscellaneous Petition is dismissed.

8. It is reported that the typed set of papers is also made available and therefore, the Registry is directed to list the Criminal Appeal for final disposal

sd/-
14/03/2025

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/04/2025

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

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TO

1 THE SESSIONS JUDGE, MAHILA COURT, TIRUCHIRAPPALLI.



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2 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

3 THE INSPECTOR OF POLICE
CANTONMENT ALL WOMEN POLICE STATION, TIRUCHIRAPPALLI.

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

+1 CC to M/s.J.MADHU, Advocate (SR-3003[I] dated 18/03/2025)

ORDER
IN
CRL MP(MD) No.5051 of 2024
in
Crl.A.(MD)No.398 of 2024
Date :14/03/2025

NBF/SAR/ (07/04/2025) 5P/6C

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