



Crl.M.P.(MD)No.5351 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.04.2025**

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.5351 of 2025

in Crl.A.(MD)No.832 of 2023

V.Manikandan,
S/o.Veerapandi,
3/326, South Street,
Mettamalai,
Sattur,
Virudhunagar District.

Petitioner(s)

versus

The State through
The Inspector of Police,
All Women Police Station,
Sattur,
Virudhunagar District.

Respondent(s)

For Petitioner(s):

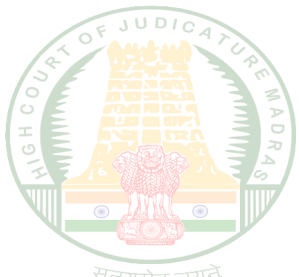
Mr.S.Sivagurunathan,
Advocate

For Respondent(s):

Mr.A.S.Abul Kalam Azad,
Government Advocate (Crl. Side)

ORDER

The petitioner is the sole accused in Spl.S.C.No.62 of 2023 on the file of the
Special Court for Exclusive Trial of Cases under POCSO Act, Virudhunagar District



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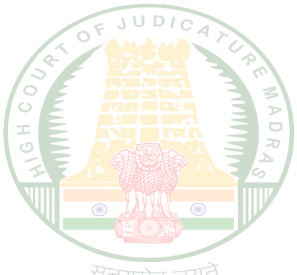
at Srivilliputhur. He was tried for the offence under Section 452 IPC and Section 6 of POCSO Act. In conclusion of trial, the trial Court, by its Judgment dated 01.06.2023, found the petitioner guilty for the offence under Section 452 IPC and Section 6 of POCSO Act and convicted and sentenced him as under:

(i) for the offence under Section 452 IPC, to undergo five years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment;

(ii) for the offence under Section 6 of POCSO Act, to undergo twenty years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment.

Challenging the Judgment of conviction and sentence, the petitioner has filed a Criminal Appeal in Crl.A.(MD)No.832 of 2023 and the same has been admitted by this Court on 12.09.2023. The petitioner has already moved a petition in Crl.M.P.(MD)No.13055 of 2023 seeking to suspend the sentence and the same was dismissed by this Court, by order dated 27.09.2024. Therefore, the petitioner has moved the second petition seeking to suspend the sentence.

2. The learned counsel appearing for the petitioner submits that the petitioner is in jail for more than two years. The learned counsel has also raised certain points.



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Those points have already been considered by this Court in the earlier petition filed by the petitioner in Crl.M.P.(MD)No.13055 of 2023 and rejected, by order dated 27.09.2024.

3. The victim girl is a physically disabled person with 95% disability and she cannot move to anywhere. P.W.1-mother of the victim girl was an eye-witness to the occurrence. When P.W.1 returned home, she found that the accused was lying over the victim girl and committing sexual intercourse. According to P.W.1, the accused was in an inebriated condition at that point of time. The Doctor, who examined the victim girl, has reported that her hymen was ruptured.

4. Considering the nature of offence, this Court is not inclined to suspend the sentence. Accordingly, this Criminal Miscellaneous Petition is dismissed.

5. Since the typed set of papers is made available, the Registry is directed to list this appeal for final disposal on 11.06.2025.

sd/-
22/04/2025

/ TRUE COPY /

/04/2025

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



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OGY
TO
WEB COPY

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

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.S.SIVA GURUNATHAN, Advocate (SR-4546[I] dated 22/04/2025)

ORDER
IN
CRL MP(MD) No.5351 of 2025
in Crl.A.(MD)No.832 of 2023
Date :22/04/2025

SS/SAR- /28/04/2025/ 4P/6C

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