



Crl.MP(MD) No.5307 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.5307 of 2025
in Crl.A(MD) No.475 of 2025

Gnanaprakasam

... Petitioner

Vs.

State of Tamil Nadu
Represented by
the Inspector of Police,
All Women Police Station (Rural),
Dindigul District.
(Crime No.23 of 2024)

... Respondent

Prayer: Petition filed under Section 430 (1) of BNSS to suspend the sentence of imprisonment imposed against the petitioner in SplSC.No.88 of 2024, dated 18.02.2025 passed by the Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul and enlarge the petitioner on bail pending disposal of the above said criminal appeal.

For Petitioner : Mr.G.Karuppasamypandiyan

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

Government Advocate (Crl Side)



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ORDER

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The petitioner is the father of the victim and on the complaint of the victim that he has misbehaved with her, a case has been registered as against him. He was tried in SplSC.No.88 of 2024 by the Special Court for Exclusive Trial of Cases under the POCSO Act, Dindigul, has been found guilty, convicted and sentenced to undergo 5 years rigorous imprisonment with a fine of Rs.50,000/- in default to undergo one year 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.475 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 learned counsel for the petitioner submits that the victim girl is the daughter of the petitioner. The victim girl in her statement has admitted that since the petitioner harassed her mother, in a fit of rage to teach a lesson to the petitioner, she has lodged the complaint against her father as if he touched her inappropriately. He has also referred to the statement of the victim girl recorded under Section 161 CrPC. However the trial Court has convicted the petitioner.



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3.The learned Government Advocate appearing for the respondent submits that the complaint was lodged on 06.06.2024 and she was examined by the doctor on 07.06.2024. However she has not supported the complaint in the statement recorded under Section 164 CrPC. According to him this statement was recorded after a period of one week and in the meantime, the petitioner has influenced the victim.

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

5.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, the statement of the victim girl and for the reason that the appeal could not be taken up immediately, this Court is inclined to allow this petition.

6.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.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum, to the satisfaction of the Special Court for Exclusive Trial of Cases under POCSO



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Act, Dindigul.

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(iii) The petitioner shall report before the trial Court on the first working day of every month.

sd/-
29/04/2025

/ TRUE COPY /

30/04/2025
Sub-Assistant Registrar
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 (RURAL),
DINDIGUL DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4.THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.



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ORDER
IN
CRL MP(MD) No.5307 of 2025
Date :29/04/2025

PR/30.04 .2025 5P/6C

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