



Crl.MP(MD) No.7419 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 16.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.7419 of 2023

in

Crl.A(MD) No.389 of 2023

Vincent

... Petitioner

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
[Crime No.32 of 2021]

... Respondent

Prayer: Petition filed under Section 389(1) of CrPC to suspend the execution of the sentence by granting bail in SplSC.No.48 of 2021 dated 13.04.2023 on the file of the Sessions Judge, Special Court for Protection of Children from Sexual Offences Act Cases, Nagercoil, till the disposal of the criminal appeal.

For Petitioner : Mr.V.Baskaran

For Respondent : Mr.A.S.Abul Kalam Asad,
Government Advocate (Crl Side)

ORDER

The petitioner / sole accused in Spl.SC.No.48 of 2021 was found guilty by Special Court for Protection of Children from Sexual Offences Act Cases, Nagercoil,



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convicted and sentenced by judgment dated 13.04.2023 as follows:

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Rank	Offence under Section	Punishment	Fine (in Rs)	default class
Sole accused	5(l) r/w 6 of POCSO Act	25 years Rigorous imprisonment	50,000	1 year rigours imprisonment
	11(iv) r/w 12 of POCSO Act	2 years Rigorous imprisonment	1,000	3 months simple imprisonment
	366 IPC	7 years Rigorous imprisonment	2,000	6 months simple imprisonment
	416 r/w 419 IPC	2 years Rigorous imprisonment	-	-
	506(ii) IPC	3 years Rigorous imprisonment	-	-

2.As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in Crl.A(MD) No.389 of 2023 along with this petition to suspend the sentence imposed on him by the trial court. The appeal has been admitted by this Court.

3.The learned Counsel for the petitioner submits there are contradictions in respect of the presence of the PW2 victim between the evidence of PW6 and PW7. The evidence of the doctor shows that there is no external injury on the victim. It was COVID-19 pandemic during the relevant point of time and there was restriction and therefore it was not possible for the petitioner taking the girl to the State of Kerala without e-pass. Therefore the alleged commission of offence at Kerala is a false one. Further there was enmity prevailing between PW1 the mother of the



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victim and the petitioner in view of the borrowal of money by the PW1 from the petitioner. When it was demanded by the petitioner, this false complaint has been foisted in order to evade repayment. The trial Court without considering all these aspects has convicted the petitioner.

4.The learned Government Advocate (Crl Side) appearing for the respondent submits that the victim girl was 15 years old at the time of occurrence. The offence committed by the petitioner has been clearly deposed by the PW2 victim. That apart the house owner at Kerala, where the petitioner had taken the victim has deposed that the petitioner along with the victim had stayed in his house for four days. Further the doctor who examined the victim girl has given the wound certificate Ex.P14, that the hymen was intact. Therefore, the trial Court has considered the evidence of the prosecution witness and the documents produced and rightly convicted the petitioner.

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

6.The age of the victim at the time of occurrence was 15 years. She was taken to Kerala and the offence was committed. Considering the evidence of the victim PW2, the house owner PW18, the doctor PW13 and the wound certificate Ex.P14, this Court is not inclined to entertain this petition on the grounds raised by this



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petitioner for suspending the sentence pending the appeal. The other grounds raised
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by the petitioner can be appreciated in the appeal. Accordingly this petition is
petition is dismissed.

sd/-
16/04/2025

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/05/2025

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

dsk
TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR PROTECTION OF CHILDREN FROM THE SEXUAL
OFFENCES ACT CASES IN NAGERCOIL.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MARTHANDAM, KANYAKUMARI DISTRICT.

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

ORDER
IN
CrI.MP(MD) No.7419 of 2023
in
CrI.A(MD) No.389 of 2023
Date :16/04/2025



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NBF/SAR/02.05.2025 5P/5C

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

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