



Crl.M.P.(MD)No.6165 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.6165 of 2025

in Crl.A.(MD)No.537 of 2025

John Robert,
S/o.Albonse,
Aandchioorani
Kalaiyarkoil,
Sivagangai District.
Now at
Punitha Arulanathar Church,
Mandapam.

Petitioner(s)

versus

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.

Respondent(s)

For Petitioner(s):

Mr.Isaac Mohanlal
Senior Counsel
for M/s.Isaac Chambers

For Respondent(s):

Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

ORDER

The petitioner is the sole accused in Spl.S.C.No.122 of 2022 on the file of the



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learned Sessions Judge (Fast Track Mahila Court), Ramanathapuram District. He was tried for the offence under Section 509 IPC and Section 11(i) r/w. Section 12 of POCSO Act (3 counts) and Section 9(f) r/w. 10 of POCSO Act (3 counts). In conclusion of trial, the trial Court, by its Judgment dated 17.04.2025, found the petitioner guilty for the offence under Section 11(i) r/w. 12 of POCSO Act (3 counts) and convicted and sentenced him to undergo two years rigorous imprisonment on each count and to pay a fine of Rs.3000/- to each count, in default, to undergo three months simple imprisonment on each count. Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal in Crl.A.(MD)No.537 of 2025 and the same is admitted by this Court today. Along with the appeal, the petitioner has moved this petition to suspend the sentence.

2. The learned Senior Counsel appearing for the petitioner submits that the petitioner is serving as a Paris Priest for several years in the same Church. The allegation as against the petitioner is that one year prior to the date of complaint, the petitioner has made those remarks. However, the complaint has been lodged uniformly by all three victims on 08.08.2022. This according to the learned Senior Counsel is a motivated complaint due to the election in formation of Paris committee.

3. The learned Senior Counsel further submits that though the petitioner was prosecuted for the offence under Section 509 IPC, he was not convicted for the said



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offence and the ingredients for the offence under Section 509 IPC are identical to that of offence under Section 11(i) of POCSO Act. All the incidents were said to have taken place in the open church during the festival. According to the learned Senior Counsel, more than thousand of people would have assembled during the festival and therefore, there is no possibility of making such comment. The prosecution has not established the sexual intent as against the petitioner in making the remarks. In the absence of the sexual intent, even assuming that the remarks had been made by the petitioner, in his position as Priest, the offence under Section 11 of POCSO Act cannot be attributed. The learned Senior Counsel further submits that the trial Court, while passing the Judgment, has suspended the sentence for a period of one month, i.e. till 15.05.2025.

4. The learned Government Advocate (Crl. Side) submits that there are three victims in this case and all the three victims are aged about 15, 16 and 17 years. They gave evidence before the learned Judicial Magistrate and their evidence were also supported by the evidence of parents. Therefore, according to the learned Government Advocate (Crl. Side), the prosecution has sufficiently proved the case and this is an unbecoming conduct of the Paris Priest and therefore, the petitioner is not entitled for suspension of sentence.

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



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placed on record.

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6. The allegation as against the petitioner is that he has made certain remarks as against the victim children. The complaint was lodged after a considerable delay. As pointed by the learned Senior Counsel, the occurrence was said to have taken place during the festival and at that time, thousand of people would have assembled in the Church. The learned Senior Counsel has also pointed out that in the event, if the allegations are true, then, the Bishop would have taken appropriate action and the petitioner would have been transferred from the church. Even the villagers would not permit such incident to be taken in a church. Therefore, the probabilities made by the learned Senior Counsel cannot be ruled out. The learned Senior Counsel has raised certain arguable points and the same can be considered only at the time of final hearing. But, the appeal could not be taken up for hearing for want of time.

7. Considering the points raised by the petitioner, which can be considered at the time of final hearing and also for the reasons that the appeal could not be taken up immediately and the trial Court has already suspended the sentence for a period of one month, this Court is inclined to allow this petition.

8. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only)



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with two sureties each for a like sum to the satisfaction of the learned Sessions Judge,
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Fast Track Mahila Court, Ramanathapuram and on further condition that the
petitioner shall appear before the said Court once in a month, i.e. on the first working
day of every English Calender month at 10.30 a.m., till the disposal of the appeal.

sd/-
30/04/2025

/ TRUE COPY /

30/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY
TO
1 THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT, RAMANATHAPURAM.

2 THE INSPECTOR OF POLICE,
MANDAPAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.M/S.ISAAC CHAMBERS, Advocate (SR-5196[I] dated 30/04/2025)

ORDER IN
CRL MP(MD) No.6165 of 2025
Date :30/04/2025

SA/SAR. /30.04.2025/5P/5C

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