



Crl.MP(MD) No.6677 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED :13.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.6677 of 2024

in

Crl.A(MD) No.564 of 2024

Mohamed Apsar

... Petitioner

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
Dindigul Town South Police Station,
Dindigul District.

... Respondent

For Petitioner : Mr.D.Venkatesh
For Respondent : Mr.A.S.Abdul Kalam Azad
Government Advocate (Crl Side)

ORDER

The petitioner, an accused in Spl.SC.No.238 of 2023, on the file of the Sessions Court, Fast Track Mahila Court, Dindigul was found guilty by the trial Court for the offence under Section 363 IPC and he was convicted and sentenced to undergo 3 years rigorous imprisonment with fine of Rs.5,000/-, in default, he has to undergo 6

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months* simple imprisonment. As against the conviction and sentence imposed by the trial Court in S.C.No.238 of 2023, dated 01.03.2024, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.564 of 2024 and the same has been admitted by this Court on 04.07.2024. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2.The learned counsel appearing for the petitioner submits the petitioner and the victim were aged 21 and 17 years at the time of occurrence. Without knowing the consequences, they had a love affair and the victim was also got pregnant. On the complaint made by the mother of the victim girl, a case was registered, prosecuted and the petitioner was convicted as stated supra.

3.On 11.03.2025, when this application was taken up for hearing, the learned counsel on either side submits that after attaining the age of majority, with the blessings of PW1/the mother of the victim girl, the marriage was solemnized between the petitioner and the victim girl and now they are living together with their child.

4.The object of POCSO Act is to ensure the safety for the children, who are below 18 years. However, without knowing the consequences and the provisions of law, the petitioner and the victim girl have committed a mistake in their tender age and now it is reported that they got married.



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5. Considering the fact that this petitioner and the victim girl got married and they are living together with their child and in the event, if the sentence imposed on the petitioner is not suspended, the victim girl and the child would be affected, this Court is inclined to suspend the sentence imposed on the petitioner.

6. 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) with two sureties each for a like sum to the satisfaction of the learned Judge, Mahila Fast Track Court, Dindigul and on further condition that the petitioner shall report before the trial Court on the first working day of every English Calendar month at 10.30 a.m., till the disposal of the appeal.

sd/-
13/03/2025

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/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To
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- 1.The Sessions Judge, Fast Track Mahila Court, Dindigul
- 2.The Inspector of Police,
Dindigul Town South Police Station,
Dindigul District.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
Crl.MP(MD) No.6677 of 2024
in
Crl.A(MD) No.564 of 2024
Date :13/03/2025

MK/SKN/SAR /26.03.2025 4P/4C

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