



CRL MP(MD) No. 6459 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09-05-2025

CORAM

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CRL MP(MD) No. 6459 of 2025

in

CRL A(MD) No. 569 OF 2025

1.Devadoss
S/o.Chinnappan,
Koomachipatti Village,
Paganeri Post,
Sivagangai District.

2.Pandi
S/o.Alagu, Kallupatti,
Sembanur Post,
Thirupathur Taluk,
Sivagangai District.

Petitioners/accused 2 and 3

Vs

The State of Tamilnadu
Rep by through Inspector of Police, Thirupathur Police
Station, Sivagangai District.

Crime no.6 of 2020.

Respondent/ Complainant

For Petitioner(s):

Mr.S. Mahendra Pathy

For Respondent(s):

Mr.S.S.Manoj
Government Advocate (Crl.side)



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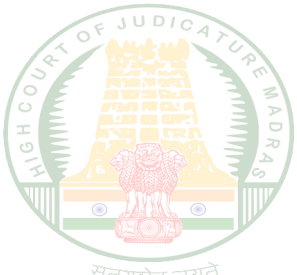
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ORDER

This petition has been filed under Section 430(1) of BNSS, 2023, praying to suspend the sentence imposed in Spl.S.C.No.10 of 2021, vide order dated 03.04.2025, passed by the Special Court for exclusive trial of Cases under POCSO Act, Sivagangai, and to grant bail to the petitioners, pending disposal of the Criminal Appeal.

2.The case of the prosecution is that on 06.08.2020, at about 11.00 am., when the victim, after completing her work in farm, returned to her home, the first accused abducted her in a two wheeler bearing Reg.No.TVS XL TN 63 BE 1406 and forcibly married her with the help of the other accused at Dhakshinamoorthy Temple. Thereafter, they were living together and the victim was subjected to sexual intercourse. Hence, the complaint.

3.The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, has passed a judgment on 03.04.2025, convicting the petitioners/accused 2 and 3 for the offence under Section 9 r/w 10 of Prohibition of Child Marriage Act, 2006 and sentenced them to undergo rigorous imprisonment for a period of two years and to pay a sum of Rs.3,000/- towards fine, in default, to undergo rigorous imprisonment for a period of one month.



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4.The learned counsel for the petitioners would submit that after the judgment was passed, the petitioners have filed an application before the trial Court to suspend the sentence and the same was allowed by the trial Court, due to which the sentence of imprisonment imposed on the petitioners has been temporarily suspended.

5.The learned Government Advocate (Crl.side) would fairly concede that the trial Court has temporarily suspended the sentence of the petitioners.

6.This Court has carefully considered the rival contentions putforth by either side and also perused the materials available on record.

7.Considering the fact that the trial Court has already suspended the sentence of the petitioners for a limited period and also considering the facts and circumstances of the case, this Court is of the *prima facie* view that the sentence is to be suspended pending this Criminal Appeal.

8.Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence of imprisonment imposed by the Special Court for exclusive trial of Cases under POCSO Act, Sivagangai, in Spl.S.C.No.10 of 2021, vide judgment dated 03.04.2025 alone is suspended subject to the following conditions:-

- i) The petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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, Sivagangai.

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- ii) The petitioners shall appear and sign before the Special Court for exclusive trial of Cases under POCSO Act, Sivagangai, on the first working day of every English calender month at 10.30 a.m., until further orders.
- iii) In case, the petitioners are unable to appear before the Court on the first working day of a month, they shall appear on the next working day.
- iv) The petitioners shall furnish their residential address and mobile number to the Special Court for exclusive trial of Cases under POCSO Act, Sivagangai.
- v) The petitioners should not enter into the victim's residence or her work place.

sd/-
09/05/2025

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

MM

TO

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



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2 THE INSPECTOR OF POLICE,
THIRUPATHUR POLICE STATION,
SIVAGANGAI DISTRICT.

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

ORDER
IN
CRL MP(MD) No.6459 of 2025
IN
CRL A(MD) No.569 of 2025
Date :09/05/2025

SS/SAR- /15/05/2025/ 5P/4C

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