



CRL MP(MD) NO. 6923 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10-06-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

CRL MP(MD) NO. 6923 of 2025

IN

CRL A(MD) NO. 634 OF 2025

Ajithkumar

S/o. Sekarpandian, Colony Street, Idaikattur, Sivagangai

District. (Now confined Central Prison, Madurai)

Petitioner(s)

Vs

State Of Tamilnadu Rep By Inspector Of Police,

Reddiyarchatram

Reddiyarchatram Police Station, Dindigul District. Crime No.

17 of 2023.

Respondent(s)

Prayer: This Criminal Miscellaneous Petition is filed to suspend the sentence of the petitioner imposed by the learned Sessions Judge, Fast Track Mahila Court, Dindigul, dated 16.05.2025, made in Spl.S.C.No.300 of 2023.

For Petitioner(s):

T.Antony Arulraj

S.Anwar Sameem

M.Prabhakaran

For Respondent(s):

Public Prosecutor

ORDER

The Criminal Miscellaneous Petition is filed for suspension of sentence imposed by the learned Sessions Judge, Fast Track Mahila Court, Dindigul, dated 16.05.2025, made in Spl.S.C.No.300 of 2023. The appellant is the sole accused.



CRL MP(MD) NO. 6923 of 2025

WEB COPY

2.The case of the prosecution is that accused had kidnapped the victim child and had married her and committed sexual assault. Thereby, he has committed the offence under Section 366(A) IPC, 9 of Prohibition of Child Marriage Act and Section 6 of POCSO Act, 2012.

3.The learned counsel for the petitioner submitted that the petitioner has been found guilty for the offence under Section 366(A) IPC and Section 6 of POCSO Act, 2012 and convicted and sentenced him to undergo rigorous imprisonment for a period of 7 years and to pay a fine of Rs.5,000/-, in default to undergo 3 months simple imprisonment for the offence under Section 366(A) IPC and convicted and sentenced him to undergo rigorous imprisonment for a period of 20 years and to pay a fine of Rs.5,000/- in default to undergo 6 months simple imprisonment for the offence under Section 6 of POCSO Act. Both the sentence period are ordered to be run concurrently.

4.The learned counsel for the appellant submitted that even though the victim did not support the case of prosecution and she did not state in her evidence that she was subjected to sexual assault by the accused, the trial Court has proceeded to convict the accused.

5.On perusal of records, it is seen that the victim girl does not support the case of



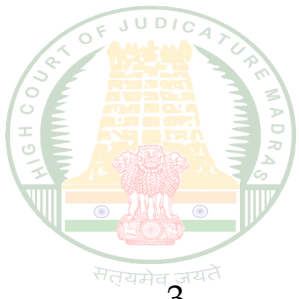
CRL MP(MD) NO. 6923 of 2025

WEB COPY

prosecution and in the cross examination of victim, it is seen that it was a generalized suggestion and for which, the witness had stoutly denied. I find that the trial Court had omitted to appreciate these aspects in a careful manner.

6. Having regard to the aforesaid point, I feel there are arguable points involved in the appeal. In view of the above, the substantive sentence of imprisonment of the petitioner alone is suspended pending disposal of the appeal on the following conditions:

- 1 *The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Dindigul;*
- 2 *The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and*



CRL MP(MD) NO. 6923 of 2025

3
WEB COPY

The petitioner shall appear before the concerned Court every day at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

7. Accordingly, this Criminal Miscellaneous Petition is allowed.

sd/-
10/06/2025

/ TRUE COPY /

/06/2025

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

PNM
TO
1 THE JUDGE,
FAST TRACK MAHILA COURT, DINDIGUL.

2 THE INSPECTOR OF POLICE,
REDDIYARCHATRAM,
REDDIYARCHATRAM POLICE STATION,
DINDIGUL DISTRICT.



CRL MP(MD) NO. 6923 of 2025

WEB COPY

3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-6096[I] dated 10/06/2025)

ORDER
IN
CRL MP(MD) No.6923 of 2025
IN
CRL A(MD) NO. 634 OF 2025
Date :10/06/2025

SS/SAR- /16/06/2025/ 5P/6C

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