



Crl.MP(MD) No.9242 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED :28.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.9242 of 2023

in

Crl.A(MD) No.282 of 2021

B.Senthilkumar

... Petitioner

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
Tharuvaikulam Police Station,
Thoothukudi,
Crime No.85 of 2017

... Respondent

For Petitioner : No appearance
For Respondent : Mr.A.S.Abul Kalam Azad
Government Advocate (Crl Side)

ORDER

The petitioner, an accused in Spl.C.No.204 of 2019, on the file of the Special Court for exclusive trial of cases under POCSO Act, was found guilty by the trial Court, convicted and sentenced as under:-



WEB COPY

Sl.No	Sections	Punishment	Fine amount	Default
1.	9(m) r/w 10 of POCSO Act	5 years Rigorous imprisonment	Rs.5,000/-	6 months simple imprisonment
2.	506(i)	1year Rigorous Imprisonment	Rs.1,000/-	One month simple imprisonment

As against the conviction and sentence imposed by the trial Court, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.282 of 2021 and the same was admitted by this Court on 09.07.2021. Along with the appeal, the petitioner has also filed this application to suspend the sentence imposed on him by the trial Court.

2.When this application was listed for hearing on 30.06.2023, it was adjourned to 03.07.2023 and once again it was adjourned to 05.07.2023. Thereafter, this application was listed for hearing on 13.03.2025 and on that day, there was no representation for the petitioner. Therefore, the Registry was directed to list this application on 17.03.2025, under the caption "for dismissal". On 17.03.2025, when this application was taken up for hearing, a memo has been filed by the learned counsel for the appellant that he has returned the papers to the petitioner/appellant



Crl.MP(MD) No.9242 of 2023

WEB COPY

and therefore, he is not having any instructions from him. Considering this memo filed by the learned counsel for the petitioner and that this petitioner is in jail, this Court directed the respondent police to inform about the listing of this case in the name of the petitioner/appellant. This Court has directed the learned Government Advocate to inform the petitioner/appellant about the memo filed by his counsel and to make arrangements for engaging a new counsel. The learned Government Advocate was also directed to appraise the right of the petitioner to engage a Legal Aid Counsel.

3.Today(28.03.2025), when this application is taken up for hearing, there is no representation for the petitioner/appellant.

4.The learned Government Advocate appearing for the respondent has furnished a copy of the letter, dated 18.03.2025 of the Superintendent, Central Prison, Palayamkottai that this petitioner/accused Convict No.4661 was duly informed about the order of this Court, dated 17.03.2025 and he was also informed the right of engaging an Advocate and the suggestion made by this Court for engaging a Legal Aid counsel. It appears that the accused has informed the Superintendent that he is not inclined to engage a legal aid counsel and he is intending to engage his own counsel, however, it appears that he has not made any arrangements.



Crl.MP(MD) No.9242 of 2023

WEB COPY

5.Considering that there is no representation for the petitioner even after informing the petitioner through the prison authorities about his right of engaging a Legal Aid counsel, he is not having any inclination to engage a Legal aid Counsel and also considering that this petition is of the year 2023, this Criminal Miscellaneous Petition is dismissed.

sd/-
28/03/2025

/ TRUE COPY /

/04/2025
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vrn

To

1 THE JUDGE,

POCSO EXCLUSIVE COURT, TUTICORIN.

2.The Inspector of Police,
Tharuvaikulam Police Station,
Thoothukudi.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI
DISTRICT.

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



WEB COPY



Crl.MP(MD) No.9242 of 2023

ORDER

IN

Crl.MP(MD) No.9242 of 2023

in

Crl.A(MD) No.282 of 2021

Date :28/03/2025

MK/SAR /15.04.2025 5P/5C

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