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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03-07-2025

CORAM

THE HONOURABLE DR JUSTICE R.N.MANJULA

CRL MP(MD) No. 8175 of 2025
in Crl.A(MD).No.703 of 2025

Karuppasamy

Petitioner(s)

Vs

State Of Tamilnadu Rep By Inspector Of Police, AWPS-
Thilagar Thidal
Madurai, (In Crime No. 8 of 2023)

Respondent(s)

For Petitioner(s):
Mr.P.Bhaskar

For Respondent(s):
Mr.A.Alberty James
Government Advocate (crl.side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed on the petitioner/appellant by the learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai, in Spl.C.C.No.92 of 2023, dated 20.05.2025.

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2. The case of the prosecution is that on 24.02.2023 at about 05.00 pm., the accused, who lived in the same block where the victim girl lived, knowing well that the parents of the victim were not at home, knocked the door. When the victim opened the door, he tresspassed into the house, grabbed her braid and pushed her on the bed. When the younger sister of the victim screamed, the accused fled away from the scene of occurrence.

3. After conclusion of trial, the learned trial Judge found the accused guilty and convicted him for the offence under Section 451 of IPC and Sections 7 and 8 of the Protection of Children from Sexual Offence Act 2012 and sentenced him to undergo rigorous imprisonment for two years and to pay a fine of Rs.2,000/- (Rupees Two Thousand only), in default to undergo simple imprisonment for a further period of 4 months for the offence under Section 451 of IPC; to undergo rigorous imprisonment for three years and to pay a fine of Rs.5,000/- (Rupees Five Thousnad only), in default to undergo simple imprisonment for a further period of six months for the offences under Sections 7 and 8 of POCSO Act.

4. The learned counsel for the appellant submitted that even though the accused and the victim girl are said to be residing in the same residential block comprising several houses, the prosecution failed to examine any independent witness or neighbours to substantiate the alleged incident. Even though the

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allegation has been made that the accused had pushed the victim on cot, the cot is not shown in the rough sketch or the place of the occurrence. Without any clarity, charge sheet has been filed against the appellant and the trial Court has also not properly appreciated the evidence.

4. In view of the above said grounds, the appeal has been admitted and the notice was served upon the defacto complainant to hear any objection to release the accused on bail by suspending the sentence imposed on him. The defacto complainant appeared in-person and has stated that he had no objection to suspend the sentence against the petitioner.

5. The learned Government Advocate (Crl.side) submitted that order of suspending the sentence can be granted on condition.

8. Considering the fact that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein/appellant is entitled to the relief of grant of suspension of sentence.

9. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner/appellant is directed to be enlarged on bail on condition that on petitioner/appellant executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five

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Thousand only) with two sureties each for a like sum to the satisfaction of Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai and on further condition that the petitioner shall appear before the Trial Court once in a month on the 1st working day of every English Calender month at 10.30 a.m., until further orders.

sd/-
03/07/2025

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03/07/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Rmk

To

1 THE PRINCIPAL SPECIAL JUDGE
FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
MADURAI.
2.The Inspector Of Police, Awps-Thilagar Thidal
Madurai,
3 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. C.C. to Mr.P.BHASKAR Advocate SR.No.7117 Dated :03/07/2025

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IN
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in Crl.A(MD).No.703 of 2025
Date :03/07/2025

MK/03.07.2025 5P/5C
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