



CRL MP(MD) No. 9748 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13-08-2025

CORAM

THE HONOURABLE DR JUSTICE R.N.MANJULA

CRL MP(MD) No. 9748 of 2024

in

CRL A(MD) No.763 of 2024

S.Selvi

Petitioner/ Appellant/ A6

Vs

The State through
The Inspector of Police
CBCID Police station,
Sivagangai District.
(Crime No. 02/2015)

Respondent/ Respondent/ Complainant

For Petitioner(s):

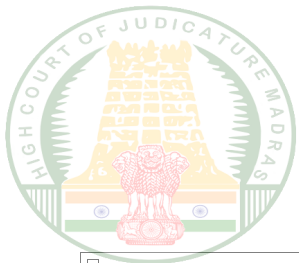
Mr.C.M.Arumugam

For Respondent(s): Mr.R.Meenakshi Sundaram

Additional Public Prosecutor

ORDER

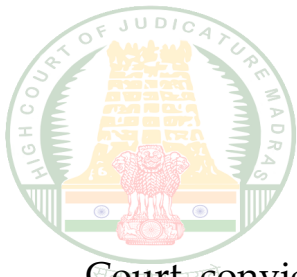
The petitioner is accused No.6 in Spl.S.C.No.19 of 2016, on the file of the Principal Special Court for POSCO Act, Sivagangai. He was found guilty by the trial Court and was convicted and sentenced as under:-



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Offence	Punishment
342 IPC	1 year (S.I) and a fine of Rs.1,000/- i/d to undergo 1 month (S.I)
355 IPC	1 year imprisonment and to pay a fine of Rs.1,000/-. In default to undergo 1 month (S.I)
182 IPC	6 months imprisonment and a fine of Rs.500/- i/d to undergo 2 weeks imprisonment
5(c), 5(1) and 5(n) r/w section 6 (2 counts) of POCSO Act	10 years (R.I) (2 counts) and a fine of Rs.5,000/- i/d to undergo 3 months imprisonment
11(v) r/w 12 of POCSO Act	3 years imprisonment and to pay a fine of Rs.1,000/- i/d to undergo 1 month imprisonment

2. A brief facts of the case is that the father of the victim child killed the mother of the victim child and therefore, the victim child was dependent on her grandmother. The first accused, who is the relative to the victim child is said to have developed some intimacy and had sexually abused the victim child. Thereafter, the victim child was shifted to some other relatives house and the others have also said to have abused the victim child. The 164 statement was recorded from the victim child on the request of the Inspector of Police, CBCID Police Station, Sivagangai on 31.12.2015. Based on the 164 statement, a case was registered, prosecuted before the Principal Special Court for POSCO Act, Sivagangai as against 8 persons. During the course of evidence, victim child PW1 has not supported her statement. The trial



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Court convicted the petitioner/A6 and sentenced him as stated above.

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3. As against the conviction and the sentence imposed by the trial Court, the first accused has filed CrI.A.(MD)No.634 of 2024. The same was admitted by this Court on the grounds raised in support of the appeal. Pending the appeal, the first accused has moved an application to suspend the sentence imposed against him. This Court vide order dated 12.03.2023 in CrI.M.P(MD)No.7573 of 2024 suspended the sentence imposed against the first accused.

4. The learned counsel appearing for the petitioner/A6 submits that the victim child has not supported the case of the prosecution during the trial. Therefore, the trial Court has acquitted the accused no.3,5,7 and 8. However, the trial Court has convicted the petitioner/A6 and the first accused based on the 164 statement recorded on 21.12.2015.

5. He further submitted that in the 164 statement, the victim girl has narrated the manner in which the accused no.5/Sub Inspector of Police has abused the child. However, the trial Court has acquitted accused no.5, who was alleged for his overt act than that of the petitioner/A6 and the first accused. The CBCID Investigation Agency has also filed an appeal as against the order of the trial Court as against the acquittal of the other accused.

6. This Court gave anxious considerations to the submissions made and



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carefully perused the materials available on record.

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7. This victim is the victim of circumstances. The victim child's father was a drunkard and he has also killed her wife viz., the victim child's mother by pouring kerosene. The victim was forced to depend on her grand mother. Her grand father died and therefore, she was forced to take asylum with some other relatives. Taking advantage of the fact that there was no one for her, she was exploited by several persons. The reading of 164 statement shows that the main accused is accused no.5 / The Sub Inspector of Police. However, he was acquitted by given with the benefit of doubt. The first accused was granted suspension of sentence by this Court on 12.03.2025.

8. The petitioner/accused No.6 is under incarceration from the date of conviction i.e., on 24.05.2024. The conviction is said to have been passed based on the 164 statement.

9. The petitioner has raised certain arguable points which can be considered only during the final hearing of the appeal. The appeal could not be taken up immediately for final hearing. Considering the points raised by the petitioner, his period of incarceration and for the reasons that the appeal could not be taken up immediately, this Court is inclined to allow this petition.

10. Accordingly, the substantive sentence of imprisonment alone is suspended



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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 Principal Special Court for POSCO Act, Sivagangai and on further condition that the petitioner shall stay at Coimbatore and report before C1 Katoor Police Station, Coimbatore, daily at 10.30 a.m., until further orders. The trial Court shall accept the surety only on payment of fine amount imposed as against this petitioner.

sd/-
13/08/2025

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/08/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cm

TO

- 1.The Judge, Principal Special Court for Pocso Act, Sivagangai.
- 2.The Superintendent,
Central Prison for Women, Madurai.
- 3.The Inspector of Police,
Cbcid, Sivagangai District.
- 4.The Inspector of Police
C1 Katoor Police Station, Coimbatore.

<https://www.mhc.tn.gov.in/judis>



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5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-8746[I] dated 13/08/2025)

ORDER
IN
CRL MP(MD) No.9748 of 2024
Date :13/08/2025

SBN/14.08.2025 6P/7C

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