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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRL MP (MD).No.8353 of 2024

in

CRL A (MD).No.289 of 2024

1.Thiruvan
2.Ganeshan

...Appellants/ Accused No.1 and 3

Vs.

The Inspector of Police,
All Women Police Station,
Srivilliputtur,
Virudhunagar District.
(Cr.No.02 of 2020)

...Respondent/ Complainant

Prayer: This Criminal Miscellaneous Petition is filed under Section 389 (1) of the Cr.P.C. under Section 430 (1) of BNSS in Special Sessions Case No.41 of 2020 on the file of the Sessions Judge, Special Court for POCSO Act, Cases, Virudhunagar District at Srivilliputtur to suspend the sentence imposed against the petitioners and release them on bail pending disposal of the main Criminal Appeal before this Hon'ble Court.



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For Petitioner : Mr.R.Prakash

For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl.Side)

ORDER

The petitioner was found guilty by the Sessions Judge, Special Court for POCSO Act, Cases, Virudhunagar District at Srivilliputtur in Special Sessions Case No.41 of 2020, convicted and sentenced to 20 years (2 count) and to pay a fine of Rs.10,000/- for the offences under Section 5(m) r/w Section 6 of the Protection Of Children from Sexual Offences Act, 2012 with default clause for the offences under Sections 5 (m) r/w 6 of the Protection Of Children from Sexual Offences Act, 2012.

2. As against the conviction, the petitioner has filed an appeal before this Court in CRL A (MD).No.289 of 2024 and the same was admitted by this Court. The petitioner has also filed this miscellaneous petition to suspend the sentence as against him.

3. The learned counsel appearing for the petitioner submits that in this case there are totally five (5) accused. The appeal filed by the other accused are also pending in Crl.MP(MD).No.86363 of 2023. Pending this application, this petitioner moved this application seeking bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent raised serious objections and submits that type set of papers in this appeal is also



available and therefore, he is also ready for final disposal of CRL A (MD).No.289 of
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2024.

5. This Court has considered the rival submissions advanced by the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused all the materials available on record.

6. Considering the nature of allegations made against the petitioner and as the type set of papers are now available for the final disposal of the main petition, this Court is not inclined to allow this CRL MP (MD).No.8353 of 2024 and accordingly, this petition stands dismissed.

7. Registry is directed to list the case for final disposal on 21.03.2025.

sd/-
26/02/2025

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/03/2025

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

nst
TO

1 THE SESSIONS JUDGE, SPECIAL COURT FOR POCSO ACT CASES,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,

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



MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

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ORDER
IN
CRL MP(MD) No.8353 of 2024
IN
CRL A(MD) No.289 of 2024
Date :26/02/2025

NBF / VR /SAR- (12/03/2025) 4P/4C

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