



Crl.MP(MD) No.12338 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED :13.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.12338 of 2023

in

Crl.A(MD) No.767 of 2023

Balasubramaniyan

... Petitioner

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station,
Thirupparrankundram,
Madurai.
Cr.No.13 of 2020.

... Respondent

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

ORDER

The petitioner, an accused in Spl.S.C.No.69 of 2020, on the file of the Special Court for Exclusive trial of Cases under POCSO Act, Madurai was found guilty by the trial Court and was convicted and sentenced as under:-



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Sl.No	Sections	Punishment	Fine amount	Default
1.	5(m) r/w 6 of POCSO Act (2 counts)	20 years Rigorous imprisonment for each count	Rs.5,000/- for each count	1 year simple imprisonment

As against the conviction and sentence imposed by the trial Court in Spl.S.C.No.69 of 2020, dated 31.01.2023, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.767 of 2023 and the same was admitted by this Court on 28.08.2023. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2.When the Criminal Appeal was admitted on 28.08.2023, this Miscellaneous Petition was adjourned at the request made by the learned counsel for the petitioner. Today, when this petition is listed for hearing, the learned counsel for the petitioner seeks further time to proceed with this petition. In the meantime, Registry has prepared the typed set of papers. The statements of the victim children recorded under Section 164 of Cr.P.C and the evidence are placed before this Court.

3.This Court is of the view that this is not a fit case for suspending the sentence imposed on the petitioner. Accordingly, this Miscellaneous Petition is dismissed.



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4. Since this Court is denying the suspension of sentence and it is reported that the typed set of papers is also made available, Registry is directed to list the Criminal Appeal for final disposal.

sd/-
13/03/2025

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

vrn

TO

1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, MADURAI.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUPPARANKUNDRAM,
MADURAI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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



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ORDER
IN
CrI.MP(MD) No.12338 of 2023

in
CrI.A(MD) No.767 of 2023

Date :13/03/2025

MK/SKN/SAR /26.03.2025 4P/5C

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