



CRL MP(MD)No.9387 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated: 06.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRL MP(MD)No.9387 of 2024
in
CRL A(MD)No.608 of 2022

P.Rajapandi

... Petitioner

Vs

The State represented through
The Inspector of Police,
All Women Police Station,
Thilagar Thidal,
Madurai.
(Crime No.4 of 2018)

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS to suspend the sentence imposed against the petitioner in Spl.SC.No.88 of 2018 dated 29.8.2022 on the file of the Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.T.K.Gopalan

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

ORDER

The petitioner / sole accused in Spl.SC.No.88 of 2018 on the file of the Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai, was found guilty, convicted and sentenced to undergo 10 years rigorous



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imprisonment with a fine of Rs.5,000/-, in default, to undergo 1 year simple imprisonment for the offence under Section 6 of the POCSO Act and he was also imposed with a cost of Rs.50,000/-, to be paid to the victim as compensation. As against the conviction, the petitioner has filed an appeal in CrIa(MD)No.608 of 2022 and it has been admitted on the grounds raised by the petitioner in support of the appeal. The petitioner has also filed a petition in CrIMP(MD)No.11936 of 2002 to suspend the sentence and it was dismissed by this Court on 10.11.2022. Now this second petition has been filed to suspend the sentence.

2.The learned counsel for the petitioner by referring the evidence of PW1 submits that the victim girl was in love with petitioner. However it was not accepted by the parents. Therefore this case has been foisted as against the petitioner. The victim girl was also aged about 17 years and 9 months at the time of occurrence. He further submits that the petitioner is in jail from 29.08.2022 till date for more than 2 years.

3.The learned Government Advocate (Crl Side) submits that the petitioner is a married man and having two children. The petitioner, being a married man, had induced the victim girl and committed the offence. He has also pointed out that the earlier petition filed by the petitioner to suspend the sentence was dismissed by this Court.



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4.This Court considered the rival submissions made and perused the materials placed on record.

5.The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. Though the earlier petition was dismissed by this court, the appeal could not be taken up for final hearing for want of time. 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.

6. Accordingly this petition is allowed and the substantive sentence of imprisonment alone is suspended 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 Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai and the petitioner shall stay at Villuppuram and report before Villuppuram Town Police Station daily at 10.30 am.

sd/-

06/03/2025

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/03/2025

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



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TO
WEB COPY

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

2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
THILAGAR THIDAL, MADURAI.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

COPY TO

THE INSPECTOR OF POLICE, VILLUPPURAM TOWN POLICE STATION,
VILLUPPURAM.

+1 CC to M/s.T.K.GOPALAN, Advocate (SR-2534[I] dated 07/03/2025)

ORDER
IN
CRL MP(MD)No.9387 of 2024
in
CRL A(MD)No.608 of 2022
Date :06/03/2025

RS/VR/SAR-(10.03.2025) 4P 7C
Madurai Bench of Madras High Court is issuing
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