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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17-03-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) NO. 9968 of 2024
in CRL A(MD)NO.778 of 2024

Thavam @ Thavaselvam

Petitioner(s)

Vs

The State of Tamil Nadu
Rep by The Inspector of Police,
Natham Police Station,
Dindigul District. Crime No. 259/2019

Respondent(s)

For Petitioner(s):

M.Jegadeesh Pandian

For Respondent(s):

A.S.Abul Kalam Azad
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition is filed by the petitioner /accused to suspend the sentence imposed as against him by the learned Judge, Fast Tract Mahila Court, Dindigul, in Spl.S.C. No.19 of 2023, dated 13.02.2024.

2.The petitioner is the sole accused and he was charged for the offence u/s.363

IPC and Section 6 of the POCSO Act. The trial Court has found the petitioner /

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



accused guilty for the offences charged, convicted and sentenced him as follows:-

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- to undergo rigorous imprisonment for four years and a fine of Rs.1,000/-, in default, to undergo simple imprisonment for six months, for the offence u/s.363 IPC;
- to undergo rigorous imprisonment for ten years and a fine of Rs.1,000/-, in default, to undergo simple imprisonment for six months, for the offence u/s.6 of the POCSO Act.

3.Learned counsel for the petitioner/appellant submitted that it is a case of love affair. He claims that the petitioner, without knowing the consequences, on the compulsion of the victim, aged about 17 years, had eloped with her and had a relationship. The petitioner is in jail from the date of judgment. The petitioner is having a fair chance of succeeding in the appeal and therefore, he prayed to suspend the sentence pending the criminal appeal.

4.The learned Government Advocate (Crl. Side) appearing for the State submitted that the trial Court has considered the evidence and the documents produced by the prosecution and rightly found the petitioner guilty and convicted. Therefore, he has raised his objection to suspend the sentence imposed on the petitioner, pending this appeal.

5.This Court considered the submissions made by the learned Counsel on either



side and perused the materials placed on record.

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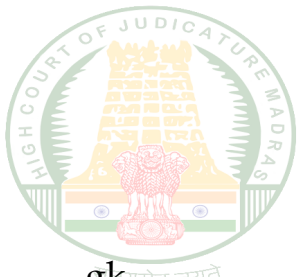
6.It appears to be a case of love affair. The victim was aged about 17 years at the time of occurrence. The petitioner has made out certain arguable points, which needs to be considered at the time of final disposal of the appeal. However, the appeal could not be taken up for final hearing in the near future. Therefore, this Court is inclined to suspend the sentence imposed on the petitioner.

7.Accordingly, this miscellaneous petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal. 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 Judge, Fast Track Mahila Court, Dindigul and on further condition that the petitioner shall appear before the respondent Police on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.

sd/-
17/03/2025

/ TRUE COPY /

19/03/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.



gk
TO
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1 THE JUDGE, FAST TRACK MAHILA COURT, DINDIGUL.

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
NATHAM POLICE STATION, DINDIGUL DISTRICT.

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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-2917[I] dated 17/03/2025)

ORDER
IN
CRL MP(MD) No.9968 of 2024
Date :17/03/2025

NBF/SAR/ (19/03/2025) 4P/6C

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