



CRL MP(MD)No.10935 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 12.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRL MP(MD)No.10935 of 2024

in

CRL A(MD)No.827 of 2024

Shanmugavel

... Petitioner

Vs

The Inspector of Police,
All Women Police Station,
Thiruvaikuntam,
Thoothukudi District.
(Crime No.5 of 2021)

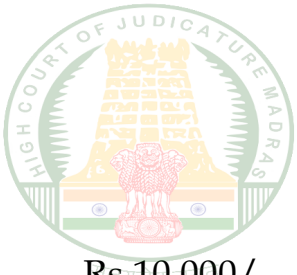
... Respondent

Prayer: Petition filed under Section 430(1) of BNSS to suspend the sentence against the petitioner in Spl.SC.No.84 of 2021 on the file of the Special Court for Exclusive trial of cases under POCSO Act, Thoothukudi District dated 04.03.2024 and release the petitioner on the bail till the disposal of the appeal.

For Petitioner	:	Mr.Shanmugavel
For Respondent	:	Mr.A.S.Abul Kalam Azad Government Advocate (Crl Side)

ORDER

The petitioner / accused in Spl.SC.No.84 of 2021 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi, was found guilty, convicted and sentenced to undergo 20 years rigorous imprisonment with a fine of



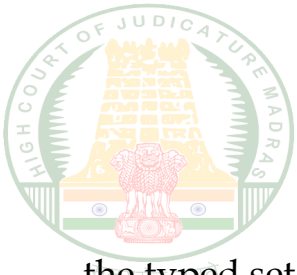
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Rs.10,000/-, in default, to undergo one year simple imprisonment for the offence
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Section 5(m) read with Section 6 of the POCSO Act. As against the conviction, the petitioner has filed an appeal in Crl A(MD)No.827 of 2024 and it has been admitted on the grounds raised by the petitioner in support of the appeal. The petitioner has filed this petition to suspend the sentence.

2.The learned Counsel for the petitioner by referring the doctor evidence submits that there is no injury on the victim girl. However the case has been foisted based on the statement of the victim girl. He also submits that the petitioner is aged about 84 years and he is depending upon others for his day to day activities. Therefore he has requested to consider the case of the petitioner on age ground.

3.The learned Government Advocate (Crl Side) by referring the statements of the victim girl and her sister (PW3) submits that apart from the victim girl, the case of the prosecution was established by examining the sister of the victim also. Therefore, according to him, the petitioner is not entitled for the suspension of sentence.

4.Considering the statement of the victim girl recorded under Section 164 CrPC, her evidence and her age, this Court is not inclined to suspend the sentence. Accordingly this miscellaneous petition is dismissed. However considering the age of the petitioner, his present condition and dismissal of this petition, Registry is directed to prepare the typed set of papers and list the main appeal for the final hearing, once



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the typed set of papers is ready.

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

DSK

TO

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

2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
THIRUVAIKUNTAM, THOOTHUKUDI DISTRICT.

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

ORDER

IN

CRL MP(MD)No.10935 of 2024

in

CRL A(MD)No.827 of 2024

Date :12/03/2025

RS/VR/SAR-(26.03.2025) 3P 5C

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