



CRL.MP(MD) No. 11409 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MS.JUSTICE R. POORNIMA

CRL.MP(MD) No. 11409 of 2024
in
Crl.A(MD)No.878 of 2024

Vijaya

..... Petitioner

Vs.

The Inspector of Police
Natham Town Police Station,
Natham,
Dindigul District.
(Crime No.132 of 2023)

..... Respondent

Prayer: Petition filed under Section 430 (1) of BNSS to suspend the sentence made in Spl.S.C.No.303 of 2023 on the file of Special Court under POCSO Act, Dindigul dated 30.08.2024 and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Dr.R.Alagumani

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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



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ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

Seeking to suspend the sentence imposed on the petitioner by the Special Court for POCSO Act, Dindigul, vide Judgment dated 30.08.2024 in S.C.No.303 of 2023, she has filed this Criminal Miscellaneous Petition.

2. The petitioner stands convicted and sentenced as under:

Section of Law	Sentence of imprisonment	Fine amount
11 of The Prohibition of Child Marriage Act, 2006	To undergo two years rigorous imprisonment	Rs.50,000/- i/d to undergo six months simple imprisonment
17 of POCSO Act	To undergo life imprisonment	Rs.50,000/- i/d to undergo one year simple imprisonment

3. The case of the prosecution is that the first accused was a married man having a child. The wife of the first accused deserted him leaving the child and he was living separately. The first accused used to follow the victim girl and made a proposal for marriage. The victim initially rejected the proposal but later accepted the proposal. On 29.06.2022 when the victim was alone in her house the first accused came there and invited her to his residence to speak with her and she



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followed him to his residence. When they reached the house of the first accused, the second and third accused who are the parents of the first accused were there and at that time the first accused tied thali and on the same day at night had committed penetrative sexual assault. On knowing the same when the parents of the victim who are the fourth and fifth accused called the victim to their house she refused to come and told them that if they call her she will commit suicide. Knowing that the marriage was a child marriage the parents of the victim have not lodged any complaint. After few days of marriage on 28.03.2023 the first accused consumed liquor and started abusing the victim in filthy language and also assaulted her hence the victim had removed the thali and thrown the same and went to her parent's house and thereafter, the present complaint was lodged.

4. The learned counsel appearing for the petitioner would submit that the petitioner/A3 is the mother of A1 and she hails from a down trodden society and the charge against her is that she had abetted her son /A1 to marry the victim knowing well that A1 was already married. The fact remains that there was affair between the first accused and the victim and that they have been living as husband and wife with the knowledge of the parents of the victim for about a year and that the complaint has been given by the victim only after leaving matrimonial home due to quarrel with her husband and therefore, he prayed for suspension of sentence.



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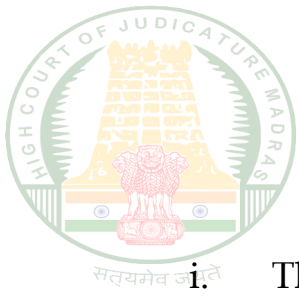
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5. The respondent has filed a counter. The learned Additional Public Prosecutor appearing for the respondent – Police, would submit that the petitioner is mother of A1 and the victim has spoken about A1 who was a married man and his wife has deserted him after giving birth to a child and the child is in the custody of A1. The petitioner is the mother of A1 and she being well aware of his earlier marriage had arranged for marriage with the minor girl and thereafter, A1 has committed penetrative sexual assault on the minor girl. P.W.3 has also corroborated the evidence of P.W.1 with regard to knowledge of earlier marriage by the petitioner, thereby, he would vehemently oppose for grant of bail to the petitioner.

6. Heard the learned counsel on either side and perused the materials available on record.

7. It is an application of suspension of sentence. Considering the facts and circumstances of the case and that the petitioner/A3 is only the mother of A1 and only A1 has committed the penetrative sexual assault, we are inclined to grant suspension of sentence to the petitioner.

8. Accordingly, the Criminal Miscellaneous Petition is allowed and the substantive sentence of imprisonment alone imposed on the petitioner herein is suspended, subject to the following conditions:



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- i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Special Court for POCSO Act, Dindigul.
- ii. The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.
- iii. The petitioner shall appear and sign before the learned trial Judge at 10.30 a.m., on the first working day of every English calender month, until further orders.
- iv. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent Police Station until further orders.

sd/-
09/07/2025

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/07/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

- 1 THE JUDGE,
SPECIAL COURT FOR POCSO ACT, DINDIGUL.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN, MADURAI
- 4 THE INSPECTOR OF POLICE, NATHAM
POLICE STATION, NATHAM, DINDIGUL DISTRICT.
- 5 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL MP(MD) No.11409 of 2024
IN
CRL A(MD) No.878 of 2024
Date :09/07/2025

MK/11.07.2025 6P/6C

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