



CRL.M.P.(MD)No.11927 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Third day of January Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

CRL.M.P.(MD)No.11927 of 2024

in

CRL.A.(MD)No.954 of 2024

MOOKAN

... APPELLANT/SOLE ACCUSED

Vs

THE STATE OF TAMILNADU
REP BY THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPATHUR,
SIVAGANGAI DISTRICT.
CRIME NO.2/2017.

... RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence of Imprisonment imposed by the Learned Principal District Judge (Special Court for POCSO Act Case, Sivagangai in Spl.S.C.No.8 of 2018 by the Judgment dated 05.09.2024 and enlarge the Petitioner/Appellant on bail, pending disposal of the above said Criminal Appeal.

Prayer in CRL.A.(MD)No.954 of 2024:

To call for the records and to set aside the judgment and conviction dated 05.09.2024 by the learned Principal District Judge(Special Court for POCSO Act cases, Sivagangai in Spl.S.C.No.8 of 2018 and acquit the Appellant.



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Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.S. MAHENDRA PATHY, Advocate for the petitioner and of MR.M.SAKTHI KUMAR, Government Advocate(Crl.side) on behalf of the Respondent, the court made the following order:-

This petition is filed to suspend the sentence imposed on the petitioner by the learned Principal District Judge, (Special Court for POCSO Act Cases), Sivagangai, in Spl.S.C.No.8 of 2018, dated 05.09.2024 and enlarge the petitioner on bail pending disposal of the main Criminal Appeal.

2.The case of the prosecution is that on 03.05.2017, at about 12.00 hours, when the victim girl and her siblings went to collect firewood, the petitioner said to have abused her in sexually abusive language. Thereafter, P.W.5 went to the petitioner's house and questioned the same and he said to have also abused his in filthy language. Hence, P.W.5/father of the victim girl gave a complaint. On the basis of the complaint given by P.W.5, the respondent Police registered a case in Crime No.2 of 2017 for the offence under Sections 294(b) and 506(i) of IPC and Section 11 r/w 12 of POCSO Act, 2012.

3.The respondent police, after completing the investigation, has laid a final report and the same was taken on file in Spl.S.C.No.8 of 2018.



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4.During the trial, on the side of the prosecution, 9 witnesses were examined as P.W.1 to P.W.9 and 9 documents were marked as Ex.P.1 to Ex.P.9. On the side of the accused, neither a document was produced nor a witness was examined.

5.The learned Sessions Judge, upon considering the evidences adduced and on hearing the arguments on both the sides, has passed the impugned judgment dated 05.09.2024 convicting the petitioner/accused for the offence under Section 12 r/w Section 11(i) of POCSO Act and sentenced him to undergo two years Rigorous Imprisonment and to pay a fine of Rs.1000/- in default to undergo one month Simple Imprisonment and for the offence under Section 294(b) of IPC and sentenced him to undergo 3 months Rigorous Imprisonment and to pay fine of Rs.100/- in default to undergo one week simple imprisonment. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

6.The learned counsel for the petitioner would submit that due to some motive, a false case has been foisted against the petitioner. He would further submit that he was confined at Central Prison, Madurai, from 05.09.2024. Hence, he seeks



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suspension of sentence.

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7.The learned Government Advocate (Crl. Side) appearing for the respondent Police would contend that the learned trial Court has rightly convicted the petitioner on the basis of the evidence and the petitioner has no prima facie case in this appeal and hence, he strongly opposed to grant suspension of sentence.

8.This Court has carefully considered the submissions made by the learned counsel appearing on either side and also perused the materials available on record.

9.Considering the facts and circumstances of the case and also considering the period of incarceration and there are some arguable points involved in the criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future, the petitioner is entitled to the relief of grant of suspension of sentence.

10. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees



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Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction
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of the learned Principal District Judge, (Special Court for POCSO Act Cases),
Sivagangai;

(ii) The sureties shall affix their photographs and Left Thumb Impression
in the surety bond and the trial Court may obtain a copy of his Aadhar card or Bank
Pass Book to ensure his identity; and

(iii) The petitioner shall appear before the concerned Court once in a
month i.e., on first working day of every English calendar month at 10.30 a.m., till the
disposal of the appeal.

sd/-
03/01/2025

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03/01/2025
Sub-Assistant Registrar (CS-I / II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg

TO:

1.THEPRINCIPAL DISTRICT JUDGE(SPECIAL COURT FOR POCSO ACT CASES,
SIVAGANGAI

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



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2.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPATHUR, SIVAGANGAI DISTRICT.

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

ORDER
IN
CRL.M.P.(MD)No.11927 of 2024
in
CRL.A.(MD)No.954 of 2024
Date :03/01/2025

RK (03/01/2025) 6P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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