



Crl.M.P.(MD)No.12344 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14-02-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.12344 of 2024

in

Crl.A.(MD)No.1003 of 2024

R.Manikandan
S/o.Ravi, 90/1, South Cotton Road, Tuticorin,
Tuticorin District.

Petitioner(s)

Vs

State of Tamil Nadu through
The Inspector of Police,
South Police Station,
Tuticorin,
Tuticorin District. Crime No.733/2021.

Respondent(s)

For Petitioner(s):

Mr.Ka.Raamakrishnan
Advocate

For Respondent(s):

Mr.P.Kottaichamy,
Government Advocate (Crl. side)



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ORDER

The petitioner is the sole accused in Spl.S.C.No.56 of 2022 on the file of the learned Sessions Judge, Magalir Neethimandram, Additional POCSO Court for Exclusive trial of cases under POCSO Act, Thoothukudi. After the trial, the trial Court, by its Judgment dated 22.04.2024, found the petitioner guilty for the offence under Section 9 of the Prohibition of Child Marriage Act 2006 and Section 3 r/w. 4(1) of Protection of Children from Sexual Offences Act and convicted and sentenced him as under:

(i) for the offence under Section 9 of the Prohibition of Child Marriage Act 2006, to undergo 6 months rigorous imprisonment and to pay a fine of Rs.1,000/-, with the default sentence of one month simple imprisonment;

(ii) for the offence under Section 3 r/w. 4(1) of POCSO Act, to undergo 10 years rigorous imprisonment and to pay a fine of Rs.1,000/-, with the default sentence of one month simple imprisonment;

Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.1003 of 2024 along with the petition for suspension of sentence. The Criminal Appeal was admitted by this Court on 19.11.2024.



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2. The learned counsel appearing for the petitioner, by relying on the statement of the victim girl recorded under Section 164 Cr.P.C. and the evidence of P.W.1 submits that the victim girl voluntarily went to the petitioner's house and compelled him to marry her and on the compulsion of the victim girl, the petitioner tied a thalli and had physical relationship with her.

3. Heard the learned Government Advocate (Crl. Side).

4. In the statement of the victim girl recorded under Section 164 Cr.P.C. she admits that she voluntarily went to the petitioner's house and stayed there for four or five days and on her compulsion, the petitioner tied a thalli.

5. Considering the period of incarceration, the statement of the victim girl recorded under Section 164 Cr.P.C. and as there is no likelihood of listing the criminal appeal for final hearing in the near future, this Court is inclined to suspend the sentence imposed on the petitioner.

6. Accordingly, 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, Magalir Neethimandram, Additional POCSO Court for Exclusive Trial of Cases under POCSO Act, Tuticorin and on further condition that the petitioner shall appear



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before the said Court on the first working day of every English Calender month at

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10.30 a.m., till the disposal of the appeal.

sd/-
14/02/2025

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14/02/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

TO

1 THE SESSIONS JUDGE, MAGALIR NEETHIMANDRAM,
ADDITIONAL POCSO COURT FOR EXCLUSIVE TRIAL OF
CASES UNDER POCSO ACT,
TUTICORIN.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE,
SOUTH POLICE STATION, TUTICORIN,
TUTICORIN DISTRICT.

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

+1 CC to M/s.KA.RAAMAKRISHNAN, Advocate (SR-1651[I] dated 14/02/2025)



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ORDER
IN
Crl.M.P.(MD)No.12344 of 2024
in

Crl.A.(MD)No.1003 of 2024
Date :14/02/2025

SA/SAR. /14.02.2025/5P/6C

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