



Crl.M.P.(MD)No.12681 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.12681 of 2024

in Crl.A.(MD)No.1023 of 2024

Murugan,
S/o.Arumugam Nainar,
99/25A, Mela Theru,
Mela Ermalpuram,
Ambasamudram Taluk,
Tirunelveli District.

Petitioner(s)

Vs

The Inspector of Police,
Muneerpallam Police Station,
Ambasamudram Taluk,
Tirunelveli District.

Respondent(s)

For Petitioner(s):

Mr.V.Angusamy
Advocate

For Respondent(s):

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

ORDER

The petitioner is the accused in Spl.C.C.No.86 of 2020 on the file of the learned

Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli. After the trial, the

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



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trial Court, by its Judgment dated 29.08.2024, found the petitioner guilty for the
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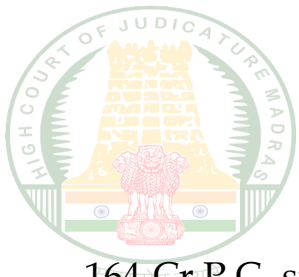
offence under Section 366 IPC and Section 6 r/w. 5(1) of POCSO Act and convicted and sentenced him as follows:

(i) for the offence under Section 366 IPC, to undergo 3 years rigorous imprisonment and to pay a fine of Rs.1,000/-, with the default sentence of six months rigorous imprisonment;

(ii) for the offence under Section 6 r/w. 5(1) of POCSO Act, to undergo 20 years rigorous imprisonment and to pay a fine of Rs.1,000/-, with the default sentence of one year rigorous imprisonment.

Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.1023 of 2024 along with the petition in Crl.M.P.(MD) No.12681 of 2024 seeking to suspend the sentence. The Criminal Appeal was admitted by this Court on 26.11.2024.

2. The learned counsel appearing for the petitioner submits that on the date of occurrence, the age of the victim girl was 17 years 9 months and 13 days. There was a love affair between the petitioner and the victim girl. The petitioner's wife deserted him and therefore, he was living separately. At that time, the petitioner had a friendship with the victim girl, who is residing in front of his relative house. The learned counsel, by referring the statement of the victim girl recorded under Section



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164 Cr.P.C. submits that the victim girl herself admitted that she had love affair with the petitioner and she voluntarily went along with the petitioner. The learned counsel, by relying on the Doctor's evidence submits that the Doctor has not noted down any injuries on the victim girl. Since the petitioner is in jail from the date of Judgment, i.e. on 29.08.2024, he prays to suspend the sentence.

3. The learned Government Advocate (Crl. Side) submits that on the date of occurrence, the petitioner was aged about 34 years and the victim girl was aged 17 years and 9 months. The petitioner has induced the victim girl and had physical relationship with her. He further submits that there is an abrasion near her private parts.

4. This Court considered the rival submissions.

5. The victim girl was aged 17 years and 9 months on the date of occurrence. In the statement of the victim girl recorded under Section 164 Cr.P.C., she admitted that she had love affair with the petitioner.

6. Considering the period of incarceration and since the petitioner is having arguable points in this appeal and 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.

7. Accordingly, the substantive sentence of imprisonment alone is suspended



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pending disposal of the criminal appeal and the petitioner is ordered to be enlarged
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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 Special Court for
POCSO Act Cases, Tirunelveli and on further condition that the petitioner shall
appear before the said Court once in a month, i.e. on the first working day of every
English Calender month at 10.30 a.m., till the disposal of the appeal.

sd/-
26/02/2025

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27/02/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY
TO

1 THE JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE,
MUNEERPALLAM POLICE STATION,
AMBASAMUDRAM TALUK, TIRUNELVELI DISTRICT.

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



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ORDER
IN
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in Crl.A.(MD)No.1023 of 2024
Date :26/02/2025

SA/SAR. /27.02.2025/5P/5C

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