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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CrI.M.P.(MD)No.12926 of 2024

in CrI.A.(MD)No.1042 of 2024

Arumugam
S/o.Gurunathan,
North Street, Pothumbu,
North Taluk, Madurai District.
Now Confined at
Central Prison,
Madurai.

Petitioner(s)

Vs

The State of Tamil Nadu
The Inspector of Police,
Alanganallur Police Station,
Madurai District.
Crime No.155/2017.

Respondent(s)

For Petitioner(s) : Mr.T.Eashwar

For Respondent(s): Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

The petitioner is the sole accused in Spl.S.C.No.25 of 2019 on the file of the

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



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Special Court for Exclusive Trial of POCSO Act Cases, Madurai. The petitioner was found guilty for the offence under Section 451 of IPC and Section 11(i) r/w 12 of Protection of Children from Sexual Offences Act, 2012 by the learned Sessions Judge, Special Court for Exclusive Trial of POCSO Act Cases, Madurai, by his Judgment, dated 07.05.2024 and he was convicted and sentenced to undergo 2 years rigorous imprisonment and to pay a fine of Rs.5,000/-, with the default sentence of three year simple imprisonment for the offence under Section 451 of IPC and also sentenced to undergo 3 years rigorous imprisonment and to pay a fine of Rs.10,000/- to the victim girl with the default sentence of six months simple imprisonment. The petitioner is in jail from the date of conviction i.e., 07.05.2024. Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in CrI.A.(MD)No.1042 of 2024 along with the petition for suspension of sentence. The Criminal Appeal was admitted for hearing by this Court, on 29.11.2024.

2.The learned counsel for the petitioner submits that the major punishment is for three years and the petitioner has already completed one year of imprisonment from the date of judgment.

3. The learned Additional Public Prosecutor submits that the victim is aged about 16 years and the accused is aged about 31 years. Since the victim girl is a minor girl and the offences are serious in nature, he opposes for grant of suspension of



sentence.

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4. This Court considered the rival submissions made.

5. The typed set of papers are not made ready. The petitioner has made out some arguable points. However, the appeal could not be taken up for hearing in the near future.

6. Considering that the appeal has already been admitted and the petitioner is in jail for the past one year and the appeal could not be taken up for 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 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, Special Court for POCSO Act Cases, Madurai, and on further condition that the petitioner shall report before the trial Court on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.

sd/-
17/02/2025

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/02/2025

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



LR
TO
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1 THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES, MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.T.EASHWAR, Advocate (SR-1732[I] dated 17/02/2025)

ORDER
IN
CRL MP(MD) No.12926 of 2024
Date :17/02/2025

NBF / GSV / SAR- (24/02/2025) 4P/6C

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