



Crl.M.P.(MD)No.63 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.63 of 2025

in Crl.A.(MD)No.6 of 2025

Victor Antony Raj,
S/o.Arputham,
No.401 A, K.K.Nagar, Thiruthangal,
Sivakasi Taluk,
Virudhunagar District.

Petitioner(s)

versus

1. State Rep. by
The Deputy Superintendent of Police,
Sivakasi Sub Division,
Virudhunagar District.

2. The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.

3. xxxx
xxxx
Prosecution witness No.1,
Mother of the victim

Respondent(s)

For Petitioner(s):

Mr.A.Arputharaj
Advocate



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For Respondent(s):
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Mr.A.S.Abul Kalam Azad,
Government Advocate

ORDER

The petitioner is the sole accused in Spl.S.C.No.51 of 2022 on the file of the Special Court for POCSO Act Cases, Srivilliputhur, Virudhunagar District. After the trial, the trial Court, by its Judgment dated 20.03.2023, found the petitioner guilty for the offence under Sections 6 and 3(1)(w)(i) of POCSO Act and convicted and sentenced him as follows:

(i) for the offence under Section 6 of POCSO Act, to undergo 20 years rigorous imprisonment and to pay a fine of Rs.1,000/- with the default sentence of three months simple imprisonment.

(ii) for the offence under Section 3(1)(w)(i) of POCSO Act, to undergo one year rigorous imprisonment and to pay a fine of Rs.1000/- with the default sentence of three months simple imprisonment.

Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.6 of 2025 and the same was admitted by this Court on 06.01.2025. The petitioner has also moved this petition for suspending the sentence imposed on him by the trial Court.

2. The learned counsel appearing for the petitioner submits that there are



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contradictions between the evidence of P.W.1 and P.W.2 and they do not corroborate with each other. Further, the expert witnesses, namely, P.W.4 and P.W.5 are not corroborated by the evidence of P.W.1 and P.W.2.

3. The learned Government Advocate (Crl. Side) submits that the age of the victim child was 3 years at the time of occurrence. The age of the petitioner was 62 years. The petitioner misbehaved with the victim child and committed sexual assault on the victim child. Therefore, he strongly opposed to suspend the sentence imposed on the petitioner.

4. Considering the age of the victim child and also considering the nature of offence and the materials available as against the petitioner, this Court is not inclined to allow this petition.

5. Accordingly, this Criminal Miscellaneous Petition is dismissed.

sd/-
10/03/2025

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/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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1 THE JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

2 THE SUPERINTENDENT,
CENTRAL PRISON,MADURAI.

3. THE DEPUTY SUPERINTENDENT OF POLICE,
SIVAKASI SUB DIVISION,
VIRUDHUNAGAR DISTRICT.

4. THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. C.C. to A.ARPUTHARAJ Advocate SR.No.2575 Date :10/03/2025



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ORDER
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in Crl.A.(MD)No.6 of 2025
Date :10/03/2025

MK/VR/SAR /03.04.2025 5P/7C

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