



Crl.M.P.(MD)No.13065 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2025

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.13065 of 2024

in

Crl.A.(MD)No.1058 of 2024

Senthil
S/o.Karuppaiah,
Thirani, Thiruvegampattu,
Devakottai Taluk, Sivagangai District.

Petitioner(s)

versus

State of Tamil Nadu rep. by
The Inspector of Police,
Sivagangai All Woman Police Station,
Sivagangai.

Respondent(s)

For Petitioner(s): Mr.A.Murali Kumar, Advocate
For Respondent(s): Mr.P.Kottaichamy, Government Advocate (Crl. Side)

ORDER

The petitioner is the sole accused in Spl.S.C.No.17 of 2018 on the file of the Principal Special Court for Exclusive Trial under POCSO Act cases, Sivagangai. After the trial, the trial Court, by its Judgment dated 01.08.2024, found the petitioner guilty for the offence under Section 3 r/w. Section 4 of POCSO Act 2012 and convicted and sentenced him to undergo 7 years rigorous imprisonment and to pay a fine of Rs.5,000/- with the default sentence of one month simple imprisonment. Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in



Crl.M.P.(MD)No.13065 of 2024

Crl.A.(MD)No.1058 of 2024 along with the petition for suspending the sentence. The
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Criminal Appeal was admitted by this Court on 03.12.2024.

2. The learned counsel appearing for the petitioner submits that the victim girl has made certain allegations as against the petitioner and she was found to be pregnant. The prosecution has also conducted DNA test and the blood sample taken from the petitioner does not match with the child of the victim girl.

3. The learned counsel appearing for the petitioner further submits that even according to the victim girl, the petitioner said to have committed penetrative sex in the uncle's house of the victim girl. But, there is no remote chance for committing this offence in her relative's house. Further, the prosecution has not collected any materials on the possibility of committing this offence in the uncle's house of the victim girl. He further submits that the petitioner is having arguable points to succeed in this appeal. Since the petitioner is in jail for the past six months, he seeks for suspending the sentence.

4. The learned Government Advocate (Crl. Side) confirmed that the prosecution has conducted DNA test and the blood sample taken from the petitioner does not match with the child of the victim girl.

5. This Court considered the rival submissions made and also perused the materials placed on record.



Crl.M.P.(MD)No.13065 of 2024

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6. The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioner, his period of incarceration and for the reasons that the appeal could not be taken up immediately, this Court is inclined to allow this petition.

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 Principal Special Court for Exclusive Trial of Cases under POCSO Act, Sivagangai and on further conditions 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/-
07/03/2025

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

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TO मेव जयते

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1 THE JUDGE,
PRINCIPAL SPECIAL COURT FOR EXCLUSIVE
TRIAL OF CASES UNDER POCSO ACT, SIVAGANGAI.

2 THE INSPECTOR OF POLICE, SIVAGANGAI ALL WOMAN POLICE STATION,
SIVAGANGAI.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.A.MURALIKUMAR, Advocate (SR-2543[I] dated 07/03/2025)

ORDER

IN

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Crl.A.(MD)No.1058 of 2024

Date :07/03/2025

RS/VR/SAR-(10.03.2025) 4P 6C

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