



CRL MP(MD) NO. 13513 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10-02-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) NO. 13513 of 2024

in

CRL A(MD)NO.367 of 2024

Kavinkumar

S/o.Kannan, Kulathur,

Vedasandur Taluk, Dindigul District.

Now confined at Central Prison, Madurai.

Petitioner(s)

Vs

The State of Tamilnadu

Rep by The Inspector of Police,

Thadikombu Police Station,

Dindigul District.

(Crime No.352/2022).

Respondent(s)

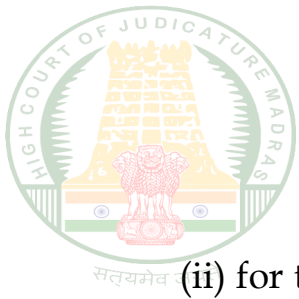
For Petitioner(s): Mr.C.Susikumar

For Respondent(s): Mr.P.Kottaichamy, Government Advocate (Crl. Side)

### ORDER

The petitioner is the sole accused in Spl.S.C.No.245 of 2023 on the file of the Sessions Court/Fast Track Mahila Court, Dindigul. He was charged for the offences under Section 366 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 and he was convicted and sentenced by the Trial Court, by its Judgment dated 01.04.2024 as under:

i) for the offence under Section 366 IPC, sentenced him to undergo five years rigorous imprisonment and to pay a fine of Rs.1,000/-, with the default sentence of three months simple imprisonment; and



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(ii) for the offence under Section 4 of POCSO Act, sentenced him to undergo ten years rigorous imprisonment and to pay a fine of Rs.4,000/-, with the default sentence of six months simple imprisonment. The sentences of imprisonment were ordered to run concurrently.

Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal before this Court in Crl.A.(MD)No.367 of 2024 and the same was admitted by this Court on 24.04.2024. Now, the petitioner has moved this petition for suspension of sentence.

2. The learned Counsel appearing for the petitioner, by referring the evidence and statement of the victim girl recorded under Section 164 Cr.P.C., submits that the victim girl had love affair with the petitioner and she induced him to take her away from the home. He further submits that at the time of occurrence, the age of the victim girl was more than 18 years, however, the Prosecution has projected the case as if the victim girl was aged about 17 years and six months. He further submits that the petitioner was convicted on 01.04.2024 and he is in jail for the past ten months. Therefore, he seeks for suspension of sentence.

3. The learned Government Advocate (Crl. Side) submits that the petitioner is a married man having a child, however, he abducted the victim girl and took her to different places and had physical relationship with her. The trial Court, by



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considering the evidence, has convicted and sentenced the petitioner as stated supra.

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4. This Court considered the rival submissions made and perused the materials available on record.

5. According to the victim girl, she had love affair with the petitioner for more than two years. Considering the statement of the victim girl and also considering the fact that the petitioner is in jail for the past ten months and the appeal filed by the petitioner could not be taken up 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 Judge, Fast Track Mahila Court, Dindigul, and on further condition that the petitioner shall appear before the said Court on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.

sd/-

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10/02/2025

Sub-Assistant Registrar  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



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TO मेव जयते

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1 THE SESSIONS JUDGE, FAST TRACK MAHILA COURT, DINDIGUL.

2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE, THADIKOMBU POLICE STATION,  
DINDIGUL DISTRICT.

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

ORDER IN  
CRL MP(MD) NO. 13513 of 2024  
in  
CRL A(MD)NO.367 of 2024  
Date :10/02/2025

RS/IT/SAR-(10.02.2025) 4P 5C  
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