



CRL MP(MD) NO. 13799 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28-02-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) No. 13799 of 2024

in

CRL A(MD) No. 1117 of 2024

Mathan

Petitioner(s)

Vs

The State of Tamil Nadu
Rep by The Inspector of Police,
All Women Police Station,
Kovilpatti, Thoothukudi District.
(Crime No.21/2022)

Respondent(s)

Prayer: Petition filed under Section 430(1) of BNSS to suspend the sentence passed by the Sessions Judge, Mahila Court / Additional POCSO Court, Thoothukudi against the petitioner in SplSC.No.20 of 2022, dated 28.10.2024 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner(s) : Mr.N.Mohideen Basha
For Respondent(s): Mr.P.Kottaichamy,
Government Advocate (Crl Side)

ORDER

The petitioner / accused in Spl.S.C.No.20 of 2022 on the file of the Mahila Court, Thoothukudi was found guilty, convicted and sentenced to undergo 10 years rigorous imprisonment with a fine of Rs.3,000/-, in default, to undergo 6 months simple imprisonment for the offence under Section 3(a) r/w 4(1)(a) of the POCSO Act. As against the conviction, the petitioner has filed an appeal in CrI A(MD) No.1117 of 2024 and the appeal has been admitted by this Court. Along with the appeal, the



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petitioner has filed this miscellaneous petition to suspend the sentence pending the
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appeal.

2.The learned counsel for the petitioner submits that the case of prosecution is that on 18.07.2022 at about 10.30, the petitioner raped the victim girl in the government hospital, Kovilpatti, whereas DW1 the Manager of the petitioner has deposed that on the alleged date of occurrence the petitioner was on duty from 6.30am to 10.30pm and after completion of duty he reported before him at 11.00pm. There is a police station inside the government hospital, Kovilpatti. However no complaint has been lodged in the said police station. PW1 victim girl in her complaint Ex.P1 stated that her mother was admitted as an inpatient in the hospital on 15.07.2022, but it is altered as 15.06.2022. All these facts show that the complaint itself is a false one. The prosecution though collected CCTV footages, it has not marked the same before the trial Court. The trial Court has failed to consider all these facts. The petitioner is in jail from 28.10.2024. Therefore, the learned Counsel prayed that the sentence be suspended pending the appeal.

3.The learned Government Advocate (Crl Side) submits that the trial Court has considered the evidence of the prosecution witnesses and documents, rightly found the petitioner guilty and imposed conviction on the petitioner. Therefore, he objects to suspend the sentence pending the appeal.



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4. This Court considered the rival submissions made and perused the material placed on record.

5. Considering that the petitioner is having some arguable points in the main appeal and the appeal could not be taken up for final disposal immediately, this Court is inclined to suspend the sentence pending the criminal appeal.

6. Accordingly this petition is allowed and 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, Mahila Court / Additional POCSO Court, Thoothukudi and the petitioner shall stay at Tiruppur and report before Tiruppur South Police Station daily at 10.30 am.

sd/-

28/02/2025

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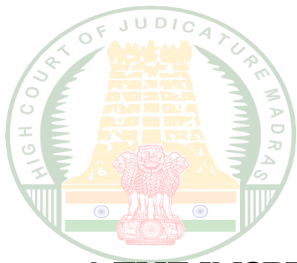
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK

TO

1 THE SESSIONS JUDGE,
MAHILA COURT / ADDITIONAL POCSO COURT,
THOOTHUKUDI.

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



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2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KOVILPATTI, THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE
TIRUPPUR SOUTH POLICE STATION,
TIRUPPUR.

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

+1 CC to M/s.N.MOHIDEEN BASHA, Advocate (SR-2232[I] dated 28/02/2025)

ORDER

IN

CRL MP(MD) No. 13799 of 2024

in

CRL A(MD) No. 1117 of 2024

Date :28/02/2025

RS/GSV/SAR-(05.03.2025) 4P 7C

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