



CRL MP(MD)No.14374 of 2024 in

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 07.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRL MP(MD)No.14374 of 2024  
in  
CRL A(MD)No.1154 of 2024

1.Subramani

2.Kaliammal

... Petitioners

Vs

The State of Tamil Nadu  
The Inspector of Police,  
Kujiliyamparai Police Station,  
Dindigul District.  
(Crime No.126 of 2022)

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS to suspend the sentence and release the petitioner on bail pending disposal of the criminal appeal before this Court against the judgment in SplSC.No.202 of 2023 on the file of the Special Court (POCSO) Act Cases, Dindigul dated 29.11.2024 on such terms and conditions as may be deemed fit.

For Petitioner : Mr.R.Venkatesan

For Respondent : Mr.A.S.Abul Kalam Azad

Government Advocate (Crl Side)



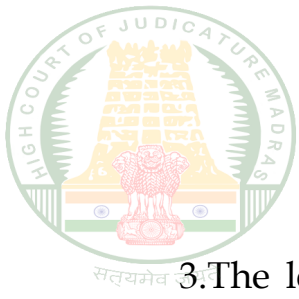
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## ORDER

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The petitioners / accused in Spl.SC.No.202 of 2023 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Dindigul, was found guilty, convicted and sentenced to undergo 2 years rigorous imprisonment with a fine of Rs.50,000/-, in default, to undergo 6 months simple imprisonment for the offence under Section 11 of the Prohibition of Child Marriage Act and sentenced to undergo 20 years rigorous imprisonment with a fine of Rs.1,00,000/-, in default, to undergo 1 year simple imprisonment for the offence under Section 17 the POCSO Act. As against the conviction, the petitioners have filed an appeal in CrIa(MD)No.1154 of 2024 and it has been admitted on the grounds raised by the petitioner in support of the appeal. The petitioners have filed this petition to suspend the sentence.

2.The learned Counsel for the petitioners submits that the case of the prosecution is that the petitioners have performed marriage between their son and the victim girl. The age of the victim girl was 14 years. The petitioners' son was aged about 17 years. The learned Counsel by referring the evidence of the victim child submits that no such marriage was conducted. However the trial Court without considering the evidence of the victim girl, convicted these petitioners as if they have performed the marriage between their son and the victim girl. The petitioners are in jail from 29.11.2024.



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3.The learned Government Advocate (Crl Side) appearing for the respondent submits that though the victim girl has not supported her case during the trial, he by referring the statement recorded under Section 164 CrPC from the victim girl submits that the victim girl before the Judicial Magistrate has stated that the petitioners have conducted her marriage with their son. Considering the prosecution evidence, the trial Court has rightly convicted the petitioners. Therefore, he objects to suspend the sentence.

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

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

6. Accordingly this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioners are ordered to be enlarged on bail on each 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 Exclusive Trial



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of Cases under POCSO Act, Dindigul and the petitioners shall report the before the  
trial Court on the first working day of every month.

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.

DSK  
TO

1 THE SESSIONS JUDGE,  
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,  
DINDIGUL

2 THE SUPERINTENDENT,  
MADURAI CENTRAL PRISION (MEN), MADURAI.

3 THE SUPERINTENDENT,  
MADURAI CENTRAL PRISON(WOMEN), MADURAI.

4 THE INSPECTOR OF POLICE,  
KUJILIYAMPARAI POLICE STATION,  
DINDIGUL DISTRICT.

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

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



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CRL A(MD)No.1154 of 2024  
Date :07/03/2025

SA/GSV/SAR. /10.03.2025/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.