



CRL MP(MD) NO. 14373 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05-02-2025

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) NO. 14373 of 2024

IN

CRL A(MD) NO. 1153 OF 2024

Stephan

S/o. Antonyraj, Murugan Kovil Street,
Nochikulam, kansapuram,
Tirunelveli District.

Petitioner(s)

Vs

The State of Tamilnadu
Rep. by The Inspector of Police,
AWPS Tirunelveli Rural,
Tirunelveli District.
(Crime No. 12/2018)

Respondent(s)

For Petitioner(s): Mr.R.L.Dhilipan Pandian

For Respondent(s): Mr.T.Senthil Kumar, Additional Public Prosecutor

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner, by the learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, in Spl.S.C.No.112 of 2019 dated 10.12.2024.

2. The petitioner faced a trial before the Special Court for POCSO Act Cases, Tirunelveli, for the offences punishable under Sections 306 r/w. 511 IPC and 363 IPC and Section 4 of POCSO Act. After the trial, the offence under Section 4 of POCSO Act has been modified as Section 7 r/w. Section 8 of POCSO Act. The trial Court,



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though not found the petitioner guilty for the offence under Section 306 r/w. 511 IPC, however, found him guilty for the offences under Section 363 IPC and Section 7 r/w. Section 8 of POCSO Act and convicted and sentenced him for the said offences, as follows:

- i) for the offence under Section 7 r/w. Section 8 of POCSO Act, sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.3,000/-, with the default sentence of two months simple imprisonment;
- ii) for the offence under Section 363 IPC, sentenced him to undergo three years Rigorous imprisonment and to pay a fine of Rs.3,000/-, with the default sentence of two months simple imprisonment.

The sentences of imprisonment were ordered to run concurrently.

3. The learned counsel appearing for the petitioner submits that the victim girl had love affair with the petitioner, which was also known to the mother of the victim girl. The learned counsel, by relying on the statement of the victim recorded under Section 164 Cr.P.C., submits that the victim girl, in her statement, admitted that she had love affair with the petitioner. However, the learned Sessions Judge, without considering the statement of the victim girl, convicted and sentenced the petitioner for the above offences. Therefore, he prays for suspension of sentence.

4. Heard the learned Additional Public Prosecutor.



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164 Cr.P.C.

5. This Court perused the statement of the victim girl recorded under Section

6. Considering the period of incarceration and also considering the fact that the victim girl, in her statement recorded under Section 164 Cr.P.C, admitted that she had love affair with the petitioner and since the appeal is not likely to be taken up for final hearing in the near future, this Court is inclined to suspend the sentence imposed on the petitioner.

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 learned Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli, 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/-
05/02/2025

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05/02/2025

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

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TO

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1 THE SESSIONS JUDGE, SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.

2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE, AWPS TIRUNELVELI RURAL,
TIRUNELVELI DISTRICT.

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

ORDER

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Date :05/02/2025

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