



Crl.MP(MD) No.11129 of 2023 in
Crl.A(MD) No.646 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.11129 of 2023

in

Crl.A(MD) No.646 of 2023

Karuppasamy

... Petitioner

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
All Women Police Station,
Tenkasi,
Tenkasi District,
Crime No.17 of 2018

... Respondent

Prayer :- This Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed on the petitioner in Spl.Case No.6 of 2020, dated 28.02.2023, on the file of the Special Court for POCSO Act cases, Tirunelveli and enlarge him on bail, till the disposal of the criminal appeal.

For Petitioner : Mr.S.Mayaperumal
For Respondent : Mr.A.S.Abul Kalaam Azad
Government Advocate (Crl.side)



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ORDER

The petitioner is A1 in Special Case No.6 of 2020, on the file of the Special Court for POCSO Act cases, Tirunelveli. He was prosecuted along with two other accused for the offence under Sections 450 IPC r/w Sections 3(a)(4) of POCSO Act. Pending trial, A2 absconded and therefore, the case was split up as against this petitioner and A3 and trial Court has found this petitioner guilty and convicted him as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1.	450 IPC	5 years Rigorous imprisonment	Rs.10,000/-	One year Rigorous imprisonment
2.	Section 4 of POCSO Act, 2012	10 years Rigorous imprisonment	Rs.15000/-	One year Rigorous imprisonment

As against the conviction and sentence imposed by the trial Court in Spl.Case No.6 of 2020, dated 28.02.2023, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.646 of 2023 and the same was admitted by this Court, by order, dated 03.08.2023. Along with the



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appeal, the petitioner has moved this application, seeking suspension of sentence.

2.Though this application is filed on 01.08.2023, it was not prosecuted for the past three years. When this application was listed for hearing on 03.08.2023, a request was made on behalf of this petitioner for an adjournment and therefore, it was adjourned by four weeks. Thereafter, this petitioner has not taken any steps to proceed with this application. When this application is taken up for hearing today, the learned counsel appearing for the petitioner has circulated a synopsis as well as dates and events, however, sought for time to proceed with this application.

3.On the other hand, the learned Government Advocate (Crl.side) has equipped with the case and submits that this is a serious case, wherein, the parents of the victim girl themselves allowed the victim girl to be sexually abused by this petitioner and two other



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accused. He also pointed out that the case of the prosecution was established based on the evidence of PW 1/the victim girl, the evidence of the doctor/PW 16, PW 5 and PW 7/independent witnesses.

4. Since all the accused are in jail and the application filed for suspension of sentence in the year 2023 has not been prosecuted so far, the Registry has prepared the typed set of papers. This Court perused the documents placed before this Court, including the typed set of papers.

5. The victim child/PW 1 is the daughter of A2 and A3. A2 is her father and A3 is her mother. The victim child was staying at a hostel and studying VII standard in a School at Velladava Taluk, Trivendrum. A2 and A3 were working in a Buffalo farm at Puliyarai Village, Tirunelveli. During annual holidays in the year 2018, A3/the mother of the victim has brought the victim child to the Farm, where A2 and A3 were working. At that time, this petitioner/A1, who is aged



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about 55 years has sexually abused the victim child. Though the victim child has reported the incident to her parents, they have not taken any steps as against this petitioner, instead, they have received some benefits from him. Similarly, the victim child was also subjected to sexual abuse by two other persons, namely, Ajith and Saji. The exploitation of the victim girl was exposed on the complaint of the victim girl's mother/A3 on 15.05.2018 that A2/the father of the victim girl has taken the victim child along with another accused Saji. The mother of the victim girl has reported that the victim girl has been exploited by her own father. Thereafter, the victim child was produced before the doctor and the case was also registered. The doctor/PW 16, who examined the victim girl has noticed injuries in her private parts. He has also noted down that some of the injuries were old. Therefore, the respondent police has filed the final report, prosecuted the case as against this petitioner/A1 and the parents of the victim child/A2 and A3. After a full-fledged trial, this petitioner and other accused were convicted by the trial Court.



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6.The available materials disclose the manner, in which, the victim child, aged about 12 years has been exploited by the petitioner and her greedy parents/A2 & A3. The learned Government Advocate (Crl.side), who is dealing with several other cases is ready with the case, thorough with the evidence of PW 1, PW 13, PW 5 & PW 7. The learned Government Advocate (Crl.side) is assisted by Mrs.G.Vasanthi, Special Sub Inspector of Police, who is also equipped with the case, whereas, the learned counsel for the petitioner, who has filed this application on 01.08.2023, seeks adjournment that this application is listed for the very first time before this Court. In fact, the learned counsel sought adjournment by next week as a matter of right.

7.In these days, listing of cases before the Courts are made in advance on the previous day itself, as per the request of the Bar. In fact, the Bar Associations have complained that the cause lists are published belatedly and therefore, they were not be able to prepare for



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the cases, which are listed for hearing. Therefore, on instructions of the Honourable Chief Justice, the Registry is concluding the preparation of the cause lists by 4.00p.m and publishes the lists at 5.00p.m, on the previous day, in the domain of the High Court. The cause lists can also be viewed by the respective counsel. However, it is very unfortunate that the learned counsel, who is appearing for the petitioner/a convicted prisoner, seeks adjournment by next week, on the ground that the case is listed before this Court for the first time and that he is not ready with the case.

8.The then Hon'ble Chief Justice of Madras High Court, M.Y.Eqbal, J., has wrote a book, titled, “Adjournments”, detailing where and where not such adjournments have to be provided. His Lordship has opined that Adjournments are like fire in the present justice delivery system and if we sit with our back towards it, then for sure, in future we shall be sitting on our blisters.



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9. His Lordship has further observed that Law, without lawyer, loses its locomotion; lawyer, without law, misses its function. The lawyer is also called an Office of Justice, apart from Officer of the Court and that is why, legal profession is said to be one of the highly esteemed professions. In the matter of asking adjournments, His Lordship noted, it is the moral of the Advocate to see that such adjournments shall not be merely to delay the course of justice with deliberate intention and that would amount to gross improper conduct of a lawyer.

10. Here, in the present case on hand, the application for suspension of sentence has been filed even in the year 2023, however, it is still kept pending for the past three years at the behest of the petitioner's counsel. This Court is not inclined to appreciate such irresponsible representation and condemns such attitude of the counsel, seeking adjournments as a matter of right.



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11.Considering the grave nature of the offence and considering that there are sufficient incriminating materials as against this petitioner, this Court is not inclined to suspend the sentence. It is also reported that the typed set of papers is made ready.

12.In view of the above, this Criminal Miscellaneous Petition is dismissed. Registry is directed to list the Criminal appeal under the caption "accused in jail cases".

25.03.2026

Index : Yes/No
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To

- 1.The Inspector of Police,
All Women Police Station,
Tenkasi,
Tenkasi District,
- 2.The Superintendent,
Central Prison,
Palayamkottai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.,

vrn

Order made in
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