

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Tuesday, the Fourth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.584 of 2020

IN CRL.A.No.27 of 2020

BASKAR

[ PETITIONER ]

Vs

STATE REP. BY  
THE INSPECTOR OF POLICE,  
W-8, ALL WOMEN POLICE STATION,  
THIRUMANGALAM, CHENNAI.

[ RESPONDENT ]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence passed in S.C.No.396/2018, dated 27.12.2019 by the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai-104 till the disposal of the Crl.A.No.27 of 2020.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S. N.IYYAKANNU, Advocate for the petitioner, and of MR. K.PRABAKAR, Additional Public Prosecutor, on behalf of the Respondent, the court made the following order:-

The petitioner faced trial in Sessions Case No.396 of 2018 on the file of learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai. Under judgment dated 27.12.2019, the trial Court found the petitioner guilty for the offence under Section 12 of the POCSO Act, 2012 and sentenced him to undergo Simple Imprisonment for a period of one year and to pay a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a further period of three months. Aggrieved over the same, the petitioner/appellant has filed this Criminal Appeal along with the petition seeking suspension of sentence.

2. It is submitted by the learned counsel for the petitioner/accused that the amount of fine had already been paid, as directed by the trial Court in its judgment. He further submitted that there are several infirmities and inconsistencies in the prosecution

case and there are also contradictions in material particulars in the evidence of the prosecution. He also submitted that there are arguable points available in this Criminal Appeal, which is not likely to be taken up for final hearing in the near future and hence, the substantive sentence imposed against the petitioner may be suspended.

3. Heard learned Additional Public Prosecutor on the submissions made by the learned counsel for petitioner.

4. Considering the facts and circumstances of the case and taking into account the submissions made by the learned counsel on either side, this Court is of the view that the petitioner herein can be granted the relief of suspension of sentence. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner herein is directed to be enlarged on bail on the following conditions:-

- a) The Petitioner/Accused shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of S.C.No.396 of 2018 before the Trial Court, on or before 03.03.2020;
- b) On such deposit being made, the Trial Court shall redeposit the said amount in a Fixed Deposit Account, in any one of the Nationalized Banks, renewable thereafter periodically. The disbursal of this amount shall be decided at the culmination of the Appeal;
- c) Thereafter, the Petitioner/Accused is ordered to be released on bail, on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai;
- d) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the learned Judge may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities; and
- e) The Petitioner/ Accused shall appear before the Trial Court on the first working day of every month at 10.30 a.m., until the disposal of the Appeal and if he is not able to appear before the Trial Court on any day, due to unavoidable circumstances, he shall make arrangements to file an application under Section 317 of Cr.PC. and shall appear before the Trial Court on any other day in lieu of his absence, as directed by the Trial Court. Such an application shall not be entertained often.

f) On the failure of the Petitioner/Accused, depositing the said amount, it is open to the Trial Court to commit the Petitioner / Accused into custody for undergoing the sentence.

-sd/-  
04/02/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

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

2 THE INSPECTOR OF POLICE,  
W-8, ALL WOMEN POLICE STATION,  
THIRUMANGALAM, CHENNAI.

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 C.C. to M/S. N.IYYAKANNU Advocate on payment of necessary  
charges SR.NO.2157

Order

in  
CRL.MP.584/2020

in  
CRL.A.No.27/2020

Date :04/02/2020

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TA-11/02/2020