



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Monday, the Seventeenth day of February Two Thousand Twenty

PRESENT

**The Hon`ble Mrs.Justice T.KRISHNAVALLI**

CRL MP(MD) Nos.9757 and 9758 of 2019  
IN  
CRL A(MD) No.530 of 2019

PUSHPARAJ

...PETITIONER/SOLE APPELLANT  
IN BOTH PETITIONS

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION  
ARANTHANGI, PUDUKKOTTAI DISTRICT.  
CRIME NO.05/2018

... RESPONDENT/ RESPONDENT  
IN BOTH PETITIONS

**PRAYER IN CRL MP(MD)No.9757 of 2019 IN CRL A(MD) No.530 of 2019:**

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the sentence of imprisonment imposed by the Learned Sessions Judge, Mahila Court, Pudukkottai District in Spl.S.C No. 13/2018 by its judgement dated 11.10.2019 and enlarge the Petitioner /appellant on bail pending disposal of the above said Criminal Appeal.

**PRAYER IN CRL MP(MD)No.9758 of 2019 IN CRL A(MD) No.530 of 2019:**

To Exempt to pay the fine amount imposed on the Petitioner/appellant by the Learned Sessions Judge, Mahila Court, Pudukkottai District in Spl.S.C No.13/2018 by its judgement dated 11.10.2019 and enlarge the Petitioner /appellant on bail pending disposal of the above said Criminal Appeal.

**Order :** These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.K.BAALASUNDHARAM, Advocate for the petitioner in both petitions, and of Mr.V.NEELAKANDAN, Additional Public Prosecutor on behalf of the Respondent in both petitions, the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial judge, for the alleged offence under Section 6 of POCSO Act, and sentenced him to undergo rigorous imprisonment for a period of 10 years and to pay a



fine of Rs.50,000/- (Rupees Fifty thousand only), in default to undergo simple imprisonment for a period of six months and in Spl.S.C.No.13 of 2018 on the file of the learned Sessions Judge, Mahila Court, Pudukkottai District.

2.It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

3.It is submitted by the learned Additional Public Prosecutor that there are enough materials available on record against the petitioner as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and he strongly opposed to grant suspension of sentence.

4.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

5.The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

6.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Pudukkottai, and on further condition that the petitioner shall appear before the said Court daily twice i.e. at 10.30 a.m and 5.00 p.m pending appeal.

7.The petitioner is exempted from surrendering before the trial Court for the purpose of furnishing sureties.

sd/-  
17/02/2020

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/ /2020  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



TO

1. THE SESSIONS JUDGE,  
MAHILA COURT, PUDUKKOTTAI.

2. THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION  
ARANTHANGI, PUDUKKOTTAI DISTRICT.

3. THE SUPERINTENDENT,  
CENTRAL PRISON, TRICHY.

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

+1. C.C. to M/S.K.BAALASUNDHARAM Advocate SR.No.3344

ORDER

IN

CRL MP(MD) Nos.9757 and 9758  
of 2019 IN

CRL A(MD) No.530 of 2019

Date :17/02/2020

VSD

TK/VR/SAR.4/18.02.2020/3P/6C