

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.MP.No.5649 of 2021

in

Crl.A. No.228 of 2021

David Chellaiya

...Petitioner

-Vs-

The State by
The Inspector of Police,
Mantharakuppam police station,
Cuddalore District.
(Crime No.9 of 2020)

...Respondent

Criminal Miscellaneous Petition is filed under Section 389(1) of Cr.P.C. to suspend the sentence imposed in the judgment dated 30.03.2021 passed in Spl.S.C.No.12 of 2020 on the file of Sessions Judge, Special Court for POCSO Act, Cuddalore and enlarge the petitioner on bail, pending disposal of the above appeal.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Ms.Saradha Devi
Government Advocate (Crl.Side)

ORDER

The petitioner figured as accused in Spl.S.C.No.12 of 2020 on the file of learned Sessions Judge, Special Court for POCSO Act, Cuddalore . By the impugned judgment dated 30.03.2021, the trial court convicted the petitioner for the offence u/s.451, 506(1) of IPC and Section 7 r/w 8 of POCSO Act 2012 and sentenced him to undergo two years rigorous Imprisonment and pay fine of Rs.1,000/- in default to undergo three months simple imprisonment in respect of the alleged offence under Section 451 and 506(1) of IPC and to undergo 5 years rigorous Imprisonment and pay fine of Rs.2,000/- in default to undergo three months simple imprisonment in respect of the alleged offence under Section 7 r/w 8 of POCSO Act. Challenging the judgment passed in Spl.S.C.No.12 of 2020 dated 30.03.2021 on the file of the learned Sessions Judge, Special Court for POCSO Act, Cuddalore, the petitioner has filed the above miscellaneous petition seeking suspension of substantive sentence of imprisonment.

2. The learned counsel for the petitioner has raised substantial points in the memorandum of appeal, which require a detailed consideration by this Court.

3. The learned Additional Public Prosecutor submitted that the Court below has appreciated the entire evidence and has given elaborate reasons for convicting and sentencing the petitioner.

4. There are arguable points which requires a consideration in the appeal and the appeal cannot be taken up for hearing in the near future. Therefore, this Court is inclined to suspend the sentence imposed by the Court below.

5. The sentence imposed by the Court below vide Judgment made in Spl.S.C.No.12 of 2020 dated 30.03.2021 on the file of learned Sessions Judge, Special Court for POCSO Act, Cuddalore is hereby suspended 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, Special Court for POCSO Act, Cuddalore and the petitioner shall appear before the said Court on the first working day of every English Calender month at 10.30 a.m. until further orders.

6. Accordingly, this petition is ordered.

-sd/-

06/05/2021

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.

सत्यमेव जयते

TO

1 THE SESSIONS JUDGE, SPECIAL
COURT FOR POCSO ACT, CUDDALORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

4 THE INSPECTOR OF POLICE,
MANTHARAKUPPAM POLICE STATION,
CUDDALORE DISTRICT.

C.C. to M/S. R.SANKARASUBBU Advocate on payment of necessary
charges Sr.6002

Order

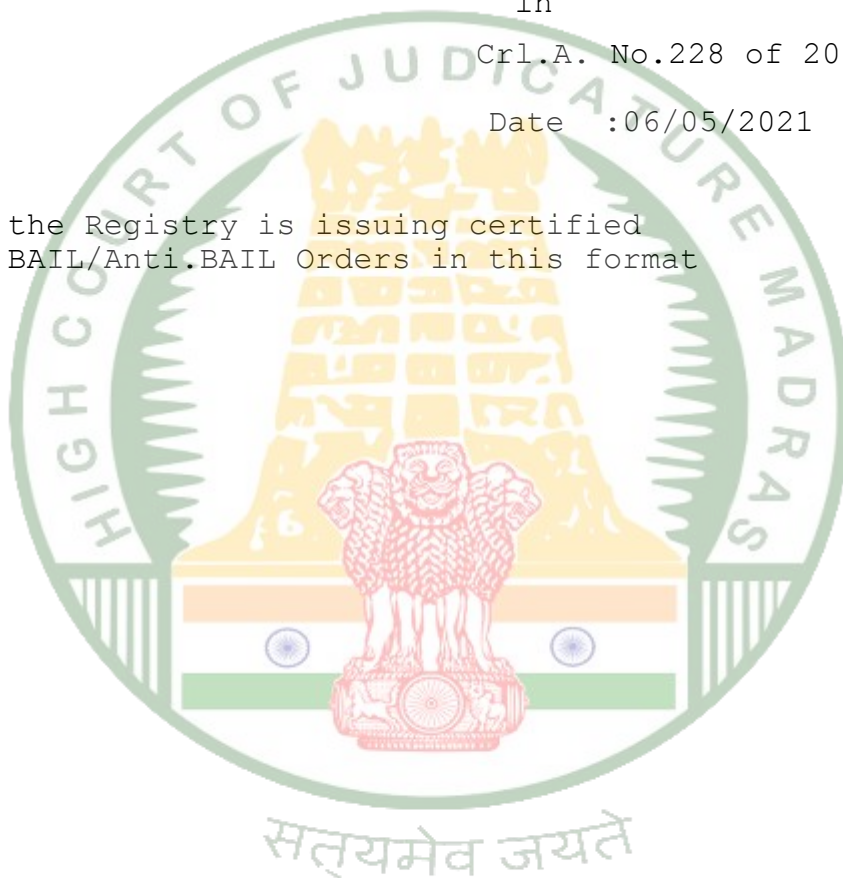
in
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in
Crl.A. No.228 of 2021

Date :06/05/2021

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RVR 28/06/2021



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