



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.13726 of 2021

IN CRL.A.NO.673 of 2021

SAKTHIVEL

[PETITIONER/APPELLANT]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
BHAVANI, ERODE DISTRICT.
(CRIME NO.14/2019)

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.673 of 2021 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by the Judgment dated 09.12.2021 passed in Special SC.No.33/2019 on the file of the Sessions Judge, Magalir Neethi Mandram (Fast Track Court), Erode pending disposal of the above CRL.A.NO.673 of 2021 IN CRL.MP.NO.13726/2021.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.673 of 2021 on the file of the High Court and upon hearing the arguments of MR.M.KARTHIK Advocate for the Petitioner and of MR. S.SUGENDRAN, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the Petitioner/accused seeking suspension of sentence of imprisonment, imposed by the judgment dated 09.12.2021 made in Special S.C.No.33 of 2019 by the learned Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Erode and to enlarge the Petitioner/accused on bail pending disposal of the above appeal.

2. In the judgment of the trial court, the Petitioner/ accused was convicted and sentenced to undergo 3 months S.I. for the offence under Section 323 IPC and found not guilty of offence under section 9 (f) punishable under section 10(3 counts) of POCSO Act 2012. Aggrieved



against the judgment of the trial court, the present appeal has been filed.

3. Learned counsel for the petitioner would submit that though the petitioner was charged for the offence under section 9(f) and punishable under section 10(3 counts) of POCSO Act 2012 and for the offence under section 323 IPC, the trial court had found the petitioner not guilty for the offence under the provisions of POCSO Act whereas found the petitioner guilty for offence punishable under Section 323 IPC and convicted him as stated above. The petitioner has received a Good Teacher Award and he has reprimanded the child for the mistake committed by the child whereas without any corroborative evidence, the Trial Court has found him guilty for offence punishable under Section 323 IPC. He would further submit that there are several arguable points in this case and the Trial Court also granted suspension of sentence till 9.1.2022.

4. Mr. S. Sugendran, learned Government Advocate (crl side) appearing for the respondent would submit that the petitioner was charged for the offence under section 9(f) punishable under section 10(3 counts) of POCSO Act 2012 and under section 323 of IPC. The trial court finding that there is no evidence against the petitioner under the POCSO Act acquitted him and however, found him guilty for the offence under section 323 IPC and convicted him to undergo S.I. for three months.

5. Heard the learned counsel for the petitioners and perused the materials on record.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner and the fact that the appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal appeal, the reliefs of suspension of sentence and bail are granted, on the following conditions :-

- i. 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, Magalir Neethi Mandram (Fast Track Mahila Court), Erode.
- ii. The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.



6. The Criminal Miscellaneous Petition is ordered accordingly.

-sd/-
22/12/2021

WEB COPY

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,
MAGALIR NEETHI MANDRAM (FAST TRACK MAHILA COURT),
ERODE.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
BHAVANI, ERODE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

+1C.C. to M/S C.VASUDEVAN Advocate on payment of necessary charges SR.NO.15341

Order
in
CRL MP.13726/2021
in
CRL.A.673/2021
Date :22/12/2021

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

CSK 23/12/2021