



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

Tuesday, the Sixteenth day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP(MD) No.2224 of 2021

IN

CRL A(MD) No.136 of 2021

RANJITH

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SAMAYANALLUR POST, MADURAI.
CRIME NO.48 OF 2016

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence of the rigorous imprisonment of two years imposed upon petitioner in Special Sessions Case No.19/2018 on the filed of the Hon'ble Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Madurai, dated 18.02.2021 pending disposal of the Criminal Appeal.

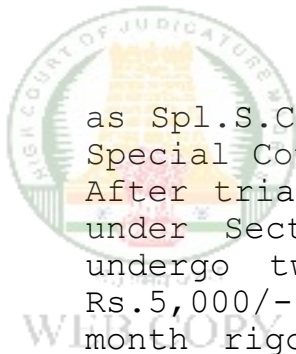
PRAYER IN CRL A(MD) No.136 of 2021:

Pleased to allow the Appeal and acquit the appellant/accused by setting aside the judgment passed by the Hon'ble Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Madurai in Special Sessions Case No.19/2018 dated 18.02.2021.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.A.OLIRAJA, Advocate for the petitioner and of Mr.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Madurai in Spl.S.C.No.19 of 2018 dated 18.02.2021, till the disposal of the appeal.

2.The case against the petitioner is that on 27.08.2016, he misbehaved with two minor children. A case was registered against the petitioner in Crime No.48 of 2016 and the same was taken on file



as Spl.S.C.No.19 of 2018 on the file of the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Madurai. After trial, the learned Sessions Judge found the petitioner guilty under Section 11(i) r/w. 12 of POCSO Act and sentenced him to undergo two years rigorous imprisonment and to pay a fine of Rs.5,000/- (Rupees Five Thousand only) in default to undergo one month rigorous imprisonment. Against the conviction and sentence imposed by the trial Court, the petitioner preferred an appeal in Crl.A.(MD)No.136 of 2021. Along with the appeal, the petitioner filed the application for suspension of sentence.

3.On the side of the petitioner, it is stated that the sentence imposed upon the petitioner is only two years and the trial Court has already granted suspension of sentence to the petitioner. The petitioner is enjoying the bail throughout the trial and prayed the sentenced imposed upon the petitioner is to be suspended.

4.The learned counsel for the respondent has also admitted the same.

5.In view of the above submissions, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

6.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on the following conditions:

(i) The petitioner is directed to execute 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, Madurai.

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their valid identity card to ensure their identity.

(iii) 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.

sd/-
16/03/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

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

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SAMAYANALLUR POST, MADURAI.

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

+1. C.C. to Mr.P.GANAPATHI SUBRAMANIAN Advocate SR.No.2165

ORDER

IN

CRL MP(MD) No.2224 of 2021

IN

CRL A(MD) No.136 of 2021

Date :16/03/2021

MRN

TK/PN/SAR.3/16.03.2021/3P/5C