



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

Friday, the Thirtieth day of April Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

**CRL MP(MD) No.2620 of 2021
in
CRL A(MD) No.112 of 2021**

MANTHIRAM

...PETITIONER/APPELLANT/SINGLE ACCUSED

Vs

STATE REP BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SRIVAICKUNDAM,
THOOTHUKUDI DISTRICT.
(CRIME NO. 19 OF 2018)

... RESPONDENT/RESPONDENT/COMPLAINANT

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 imposed in Spl.S.C.NO.9 of 2019 dated 07.01.2021 passed by the learned Special Judge, Special Court for exclusive trial of cases under POCSO Act, Thoothukudi and enlarge the petitioner on bail pending disposal of main Criminal Appeal in C.A.No.112 of 2021

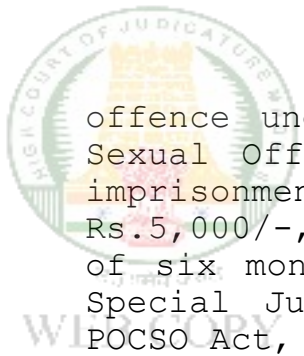
Prayer in Crl.A(MD) .No.112 of 2021

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to call for the records and set aside the conviction and sentence passed in Spl.S.C.NO.9 of 2019 dated 07/01/2021 by the Learned Special Judge, Special Court for Exclusive trial of cases under POCSO Act, Thoothukudi.

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.MANICKAM.A.K., Advocate for the petitioner and of Mr.A.ROBINSON, Government Advocate (Crl.Side) for the respondents, 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

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offence under Section 9(n) r/w 10 of Protection of Children from Sexual Offences Act 2012 and sentenced him to undergo rigorous imprisonment for a period of five years and to pay a fine of Rs.5,000/-, in default to undergo rigorous imprisonment for a period of six months in Spl.S.C.No.9 of 2019 on the file of the learned Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi.

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 Government Advocate (Crl.side) 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 Special Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Thoothukudi, and on further condition that the petitioner shall appear before the concerned Court daily at 10.30 a.m. pending appeal.

sd/-
30/04/2021

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



TO

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

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT.

3. THE SUPERINTENDENT
CENTRAL PRISON,
PALAYAMKOTTAI.

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

+1. C.C. to M/S.MANICKAM.A.K. Advocate SR.No.3620

ORDER

IN

CRL MP(MD) No.2620 of 2021

in

CRL A(MD) No.112 of 2021

Date :30/04/2021

AMS/VR/SAR-1/03/05/2021/3P/6C