



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

Tuesday, the Sixth day of July Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.3113 of 2021
in
CRL.A(MD)No.146 of 2021

MANICKARAJA @ MANICKARAJ

... PETITIONER/1st APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ADIRAMAPATTINAM POLICE STATION,
ADIRAMAPATTINAM,
THANJAVUR DISTRICT.
CRIME NO.270/2015.

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to SUSPENDING THE SENTENCE imposed upon the Petitioner in Spl. S.C No. 32/2019 on the file of the Learned Sessoids Judge (Special Court for Trail of POCSO Act Cases) Thanjavur, Thanjavur District by judgment dated 07.01.2021 and enlarge the petitioner on bail pending disposal of the main Criminal Appeal.

Prayer in Crl.A.(MD)No.146 of 2021:

To call for the records and set aside the judgment dated 07.01.2021 passed in S.C.No.32 of 2019 on the file of the learned Session Judge, (Special Court for Trail OF POCSO Act Cases), Thanjavur.

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.SASIKUMAR.V., Advocate for the petitioner and of Mr.RMS.SETHURAMAN, Counsel for State Government (Crl. Side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to enlarge the petitioner/A3, on bail by suspending the sentence imposed upon him in Spl. SC No.32 of 2019 on the file of the Sessions Judge (Special Court for Trial of POCSO Act Case), Thanjavur, dated 07.01.2021, pending disposal of the main criminal appeal.

2.The learned counsel appearing for the petitioner/A3 submitted since the petitioner was convicted by the trial court for the offence



under section 6 of the Protection of Child from Sexual Offences Act 2012 and sentenced to undergo 10 years of rigorous imprisonment and also to pay a fine of Rs.1,000/-, in default to undergo 2 months of simple imprisonment.

3.The learned counsel appearing for the petitioner/A3 further submitted that the petitioner/A3 is an innocent person and he was falsely implicated in this case and that there are several infirmities in the prosecution case and there are contradictions in material particulars between the evidence of the prosecution witnesses and that the petitioners are in jail since 07.01.2021 and prays for suspension of sentence.

4.It is submitted by the learned counsel appearing for the respondent/State that the trial court has rightly convicted the petitioner and there are enough materials available on record against the petitioner and there is no infirmity in the prosecution case and prays for dismissal of this petition.

5.This court has carefully considered the rival contentions put forth on either side and also perused the materials available on record.

6.The learned counsel for the petitioner pointed out 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 the petitioner is in jail since 07.01.2021 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.

7.Accordingly, this 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 he 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 Sessions Judge (Special Court for Trial of POCSO Act cases), Thanjavur and on further condition that the petitioner shall appear before the said court daily twice I.e., at 10.30 am and 5.00 pm pending appeal.

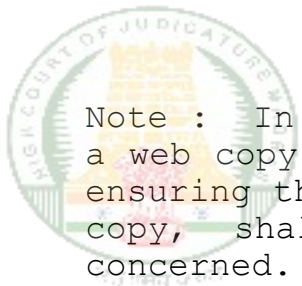
sd/-

06/07/2021

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/ litigant concerned.

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- TO
- 1 THE SESSION JUDGE,
(SPECIAL COURT FOR TRAIL OF POCSO ACT CASES),
THANJAVUR, THANJAVUR DISTRICT.
 - 2 THE INSPECTOR OF POLICE
ADIRAMAPATTINAM POLICE STATION,
ADIRAMAPATTINAM, THANJAVUR DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.V.SASIKUMAR, Advocate (SR-4371[I] dated 07/07/2021)

ORDER
IN
CRL MP(MD) No.3113 of 2021
in
CRL.A(MD)No.146 of 2021
Date :06/07/2021

ER
JM/AKM/SAR V/07.07.2021/3P/6C