



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL MISCELLANEOUS PETITION No.1678 of 2022

IN CRL A.127/2022

MARIAPPAN

[APPELLANT/ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ERODE,
ERODE DISTRICT.
CRIME NO. 4/2020.

[RESPONDENT/COMPLAINANT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner by the judgement dated 29.12.2021 passed in Special S.C.No. 2/2021 on the file of the Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Erode and enlarge on bail pending disposal of the above CRL A.127/2022.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S. I.C.VASUDEVAN, Advocate for the petitioner and of M/S.LEONARD ARUL JOSEPH SELVAM, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

The Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking suspension of sentence of imprisonment imposed by the order dated 29.12.2021 in Special S.C.No.2/2021 passed by the Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Erode.



2. In and by the judgment of the Sessions Court, the Petitioner was convicted for the offence under Sec.9(m) and 10 of POCSO Act and sentenced to undergo five years R.I and to pay fine of Rs.1,000/- and in default to undergo 2 months simple imprisonment. Against which, the present revision has been filed.

3. This Court heard the learned counsel for the petitioner and also perused the materials placed on record.

4. According to the learned counsel for the petitioner/accused, there are arguable points available in the Criminal Appeal, and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioner/Accused may be suspended.

5. The learned Government Advocate (Crl. side) submitted that the petitioner/accused, aged 70 years has suffered a conviction for offences under Section 9(m) and 10 of POCSO Act, which is essentially a case of bad touch on a minor girl.

6. Given the nature of offence and the age of the petitioner/accused and given the fact he was on bail substantially during the entire trial, this Court deems it appropriate to suspend the substantive sentence of imprisonment alone on certain conditions. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail is granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on he executing 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, Magalir Neethi Mandram, (Fast Track Mahila Court), Erode.

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until the disposal of the Criminal Revision and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.



7. The Criminal Miscellaneous Petition stands ordered accordingly.

WEB COPY

-sd/-

18/02/2022

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 SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ERODE, ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S. I.C.VASUDEVAN Advocate on payment of necessary
charges SR.NO. 2666

Order

in
CRL MP.1678/2022

in
CRL A.127/2022

Date :18/02/2022

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RW 28/02/2022