



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM :

WEB COPY

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.7962 of 2022

in

Crl.A.No.600 of 2022

1.Madurakavi
2.Venkatesan

... Petitioners

Versus

State represented
by Inspector of Police,
Killai Police Station,
Chidambaram,
Cuddalore District - 608 102.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of the Cr.P.C., to suspend the sentence dated 31.05.2022 imposed in Spl.Sessions Case No.07 of 2021 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore, pending disposal of the main Criminal Appeal.

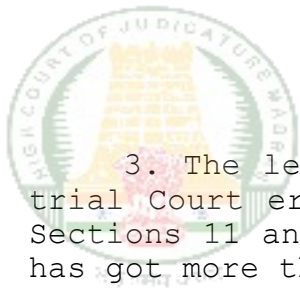
For Petitioner : Mr.N.U.Pressanna

For Respondent : Mr.S.Vinoth Kumar,
Govt.Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition is filed to suspend the sentence dated 31.05.2022 imposed in Spl.Sessions Case No.07 of 2021 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore, pending disposal of the main Criminal Appeal.

2. Heard the learned Counsel for the petitioner and learned Government Advocate (Criminal Side) for the respondent.



3. The learned counsel for the petitioners would submit that the trial Court erred in convicting the petitioner for the offence under Sections 11 and 12 of the POCSO Act, 2012 and he would submit that he has got more than prima-facie case.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the trial Court has correctly convicted the petitioners.

5. I have considered the rival submissions made on either side and perused the materials on record.

6. Considering the submissions made by the learned counsel for the petitioners and the sentence imposed by the trial Court was suspended by the trial Court itself till 20.06.2022, I am of the considered view that this is a fit case for grant of suspension of sentence pending the above appeal. Therefore, I am inclined to suspend the sentence, pending disposal of the main Criminal Appeal and grant bail to the petitioners on the following conditions:-

(a) the petitioners are ordered to be released on bail, on each of them executing a separate bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Trial Court;

(b) the petitioners and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhar Cards or Bank Pass books to ensure their identities;

(c) the petitioners 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 Appeal and if they are not able to appear before the Trial Court on any day, they shall make arrangements to file an application under Section 317 of Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of their absence, as directed by the Trial Court.

7. This Criminal Miscellaneous Petition is ordered accordingly.

-sd/-

24/06/2022

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 SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
CUDDALORE

2 THE INSPECTOR OF POLICE,
KILLAI POLICE STATION,
CHIDAMBARAM,
CUDDALORE DISTRICT - 608102

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SECTION OFFICER
CRIMINAL SECTION
HIGH COURT, MADRAS.

+1 C.C. to M/S.N.U.PRESSANNA Advocate on payment of necessary
charges SR.NO.9941

Order
in
CRL MP.7962/2022
in
CRL A.600/2022

Date :24/06/2022

From 7.2.2001 the Registry is issuing certified
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JPA 28/06/2022