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Crl.M.P.No.13133 of 2022 in Crl.A.No.602 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 22.12.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE V.SIVAGNANAM**

**Crl.M.P.No.13133 of 2022**

**in**

**Crl.A.No.602 of 2022**

Thameem Sheriff

.. Petitioner

/versus/

State Rep by  
Inspector of Police,  
W-23, All Women Police Station,  
Royapettah, Chennai 14,  
(Crime No.31 of 2019)

.. Respondent

**Prayer :** Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., praying to suspend the sentence passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai in S.C.No.208 of 2019, dated 23.05.2022 and enlarge the petitioner on bail pending disposal of the Crl.A.No.602 of 2022.

For Petitioner

... Mr.M.Govindaraju

For Respondent

... Mr.C.E.Pratap,  
Government Advocate (Crl.Side)



## ORDER

**WEB COPY** This Criminal Miscellaneous Petition has been preferred seeking to suspend the judgment of conviction and sentence passed by the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai in S.C.No.208 of 2019 dated 23.05.2022, pending criminal appeal.

2. The petitioner, who was the sole accused in S.C.No.208 of 2019, was convicted and sentenced by the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, which reads as follows:

| <b><i>Petitioner Rank</i></b> | <b><i>Provision under which convicted</i></b> | <b><i>Sentence</i></b>                                                                                                  |
|-------------------------------|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| Sole accused                  | Section 366 of IPC                            | To undergo 7 years Imprisonment with fine of Rs.5,000/- in default to undergo Simple Imprisonment for 1 month.          |
|                               | Section 6 of POCSO Act, 2012                  | To undergo 10 years Rigorous Imprisonment with fine of Rs.5,000/- in default to undergo Simple Imprisonment for 1 month |

The period already undergone by the accused was ordered to be set off. Both the sentences were ordered to run concurrently.

3. Aggrieved against the judgment of conviction and sentence imposed on the petitioner, he preferred the present criminal appeal along with the instant miscellaneous petition, seeking suspension of sentence and bail.



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4. Heard the learned counsel appearing for the petitioner and the learned Govt. Advocate (crl.side) appearing for the State.

5. The learned counsel for the petitioner submitted that the judgment of the trial Court is contrary to law, weight of evidence and probabilities of the case; there are arguable points in this appeal and the petitioner has every chance of succeeding the appeal. He further submitted that the petitioner has already paid the fine imposed by the trial Court. The petitioner has been in the judicial custody from 23.05.2022. Thus, he prayed for suspension of sentence, till the disposal of this Criminal Appeal.

6. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Moreover, the petitioner has been confined in the judicial custody from 23.05.2022, Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence and bail is granted



to the petitioner on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties, each for a likesum to the satisfaction of the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court as and when required.

22.12.2022

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To

- 1.The Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.
- 2.The Inspector of Police, W-23, All Women Police Station, Royapettah, Chennai-14.
- 3.The Superintendent,Central Prison Puzhal, Chennai.
- 4.The Public Prosecutor, High Court, Madras.

**V.SIVAGNANAM, J.**



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