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Crl.M.P.No.15401 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.M.P.No.15401 of 2022
in Crl.A.No.1109 of 2022

Selvendran @ Senthil Selva

... Petitioner

Vs.

State,
The Inspector of Police,
All Women Police Station,
North Police Station,
Tiruppur District.
Respondent

...

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed in the Judgment in order passed by the Sessions Judge, Magalir Neethimandran (Fast Track Mahila Court), Tiruppur, in Spl.S.C.No.44 of 2022, vide his order dated 20.09.2022 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal Petition before this Hon'ble Court.

For Petitioner : Mr.Deepan Uday

For Respondent : Mr.R.Murthi,
Government Advocate (Crl. side)



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ORDER

WEB COPY This Criminal Miscellaneous Petition has been filed seeking suspension of sentence imposed against the Petitioner in C.C.No.11 of 2021 on the file of the learned **Principal District and Sessions Judge, Perambalur**, by judgment dated 30.08.2022, pending disposal of this Criminal Appeal and release the accused/Petitioner on bail. The Petitioner/accused has been convicted and sentenced by the trial Court as follows:

Provision under which convicted	Sentence
Section 326 of IPC	The Accused is convicted and sentenced to undergo Simple Imprisonment for the period of 2 years and to pay a fine of Rs.3,000/- in default to undergo Simple Imprisonment for another 6 months.

2. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Criminal Side) appearing on behalf of the respondent.



WEB COPY 3.The learned **Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur** have granted interim suspension of sentence for the petitioner till 20.10.2022. Now, since this appeal has been filed, the substantive sentence of imprisonment imposed by the learned Sessions Judge is suspended with the following conditions:

- (a) the Petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned **Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur** within fifteen days from the date of receipt of a copy of this order. Further, one of the sureties shall be a blood relative;
- (b) the sureties shall affix their photographs and left thumb impression in the surety bond. The learned **Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur**, shall obtain a copy of their Identity Card, Aadhar Card or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity;
- (c) the Petitioner shall not abscond during pendency of Appeal;
- (d) the Petitioner shall appear on the first working day of every month before the learned **Sessions Judge, Magalir**



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Neethimandram (Fast Track Mahila Court), Tiruppur till

the disposal of this Criminal Appeal by this Court; and

(e) the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur shall report the presence of the Appellant/Accused to the High Court.

06.10.2022
(2/2)

jai/nr

To

- 1.The learned Sessions Judge,
Magalir Neethimandram (Fast Track Mahila Court),
Tiruppur.
- 2.The Inspector of Police,
All Women Police Station,
North Police Station,
Tiruppur District.
- 3.The Public Prosecutor,
High Court, Madras.



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SATHI KUMAR SUKUMARA KURUP,J.

Jai/nr

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SATHI KUMAR SUKUMARA KURUP, J.

This case is posted today under the caption “for being mentioned” at the instance of the learned Counsel for the Petitioner.

2.The learned Counsel for the Petitioner submitted that in the order dated 06.10.2022, in the first para instead of Spl.S.C.No.44 of 2022, it has been stated as C.C.No.11 of 2021 and instead of learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court) Tirupur, it has been stated as Principal District and Sessions Judge, Perambalur and the date of judgment as 30.08.2022, instead of 20.09.2022. Further, as per the sentence imposed by the Trial Court, the accused was convicted and sentenced to undergo three years imprisonment and pay a fine of Rs.5,000/- under Section 7 read with Section 8 of the POCSO Act, 2012. Instead, in the order, it has been stated as the accused was convicted and sentenced to undergo simple imprisonment for a period of two years and to pay a fine of Rs.3000/- under Section 326 of IPC. Therefore, he requested this Court to make correction in the said order and issue fresh order copy.



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KURUP, J.

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3.In the light of the the submission of the learned Counsel for the Petitioner, Registry is directed to make necessary corrections in the order dated 06.10.2022 in the paras 1 and 2 and issue fresh order copy forthwith.

13.10.2022

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