



Crl.MP.No.18660 of 2022 in  
CRL.A.No.1235 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.18660 of 2022 in

Crl.A.No.1235 of 2022

Guruthath M/aged 64 years, S/o late Muni Ellappa ... Petitioner

Vs.

State Rep. by the Inspector of Police,  
All Women Police Station,  
Hosur, Krishnagiri District ... Respondent

**PRAYER:** Criminal Miscellaneous Petition filed under Section 398(1) r/w 439 Criminal Procedure Code to suspend the sentence imposed against the petitioner in Spl.S.C.No.7 of 2020 on the file of the learned Sessions Judge, Fast Track Magilir Neethimandram, Krishnagiri, Krishnagiri District dated 11.10.2022 and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.C.E.Pratap  
Gov. Advocate (Crl.Side)



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**ORDER**

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed against the petitioner in Spl.S.C.No.7 of 2020 on the file of the learned Sessions Judge, Fast Track Magilir Neethimandram, Krishnagiri, Krishnagiri District dated 11.10.2022 and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

2. It is the case the petitioner that the prosecution has not produced the CCTV footage from the school to prove the offence of sexual assault committed by the petitioner on the victim and without appreciating the exhibits produced by the petitioner, the Trial Court has erred in convicting the petitioner.

3. The Trial Court convicted and sentenced the petitioner to undergo one year Rigorous Imprisonment and to pay a fine of Rs,1,000/-, in default, to undergo further period of three months Simple Imprisonment for the offence under Section 342 IPC; and to undergo seven years Rigorous



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Imprisonment and to pay a fine of Rs.5,000/- in default to undergo further period of six months Rigorous Imprisonment for the offence under Section 9(m) r/w 10 of POCSO Act and further the sentence of imprisonment was ordered to run concurrently. Challenging the conviction and sentence slapped by the Trial Court, the petitioners are before this Court.

4. The learned counsel for the petitioner submitted that there are arguable points in this appeal. *He further submitted that already the petitioner paid the fine amount and now, he is in custody* and hence, prayed for suspension of sentence.

5. The petitioner has raised substantial grounds in this Criminal Appeal which require detailed appraisal. Further, the Criminal Appeal is not likely to be taken up in the near future. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

6. Accordingly, it is ordered as follows.



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(i) The substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner *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 learned Special Sessions Judge, Fast Track Magalir Neethimandram, Krishnagiri.*

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioner shall appear before the Trial Court on the first working day of every month until the disposal of the Criminal Appeal.

09.12.2022  
(1/2)

mst

**Note : Issue Order Copy on 09.12.202**



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WEB COPY **To**

1. The Special Sessions Judge,  
Fast Track Magalir Neethimandram,  
Krishnagiri, Krishnagiri District.
2. The Central Prison, Vellore.
3. The Inspector of Police,  
All Women Police Station, Hosur,  
Krishnagiri District.
4. The Public Prosecutor,  
High Court of Madras, Chennai.



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**V.SIVAGNANAM, J.,**

mst

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**09.12.2022**

**(1/2)**