



Crl.M.P.No.18874 of 2022 in Crl.A.No.1249 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.18874 of 2022

in

Crl.A.No.1249 of 2022

P.Vinoth

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Papparapatti Police Station,
Dharmapuri District.
(Crime No.108 of 2016)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence of imprisonment imposed in the judgment dated 20.10.2022 made in Special S.C.No.108 of 2022 on the file of the Fast Track Mahila Court, Dharmapuri and enlarge the petition on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.N.Manokaran

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



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ORDER

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The petitioner, who is accused in Spl.S.C.No.22 of 2016 on the file of the Sessions Judge, Fast Track Mahila Court, Dharmapuri, seeks suspension of his sentence of imprisonment.

2. The Trial Court, by judgment dated 20.10.2022, convicted the petitioner/accused for the offence punishable under Sections 363 IPC, Section 3 r/w 4 of POCSO Act and sentenced him as under:

Conviction under Section	Sentence
363 IPC	Rigorous imprisonment for three years and to pay a fine of Rs.3,000/-, in default, to undergo simple imprisonment for three months
3 r/w 4 of POCSO Act	Rigorous imprisonment for seven years and to pay a fine of Rs.10,000/-, in default, to undergo further period of six months simple imprisonment.

3. Challenging the conviction and sentence slapped by the Trial Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that there are



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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. Heard the learned Government Advocate(Crl. side) appearing for the respondent and perused the impugned judgment and the materials on record.

6. The allegations against the petitioner are that, he kidnapped the victim and sexually assaulted her. According to the petitioner, he has not committed any offence as alleged by the prosecution and there are lot of contradictions among the prosecution witnesses.

7. Taking into consideration of the above submission of the learned counsels appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.



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8. Accordingly, it is ordered as follows.

(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 Sessions Judge, Fast Track Mahila Court, Dharmapuri.*

(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.

14.12.2022
(2/2)

Note: Issue order copy on 14.12.2022

mst

To

1. The Sessions Judge, Fast Track Mahila Court, Dharmapuri.

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2. The Central Prison, Salem.
3. The Inspector of Police,
Papparapatti Police Station,
Dharmapuri District.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

mst

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