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CrI.M.P.No.18948 of 2022 in CrI.A.No.1258 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CrI.M.P.No.18948 of 2022

in

CrI.A.No.1258 of 2022

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... Petitioner

/vs/

State, represented by
Inspector of Police,
All Women Police Station,
Denkanikottai,
Krishnagiri District.

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) r/w.439 of Cr.P.C., to suspend the sentence imposed against the petitioner in Spl.S.C.No.23 of 2019 on the file of the learned Sessions Judge, Fast Track Magalir Neethirmandram, Krishnagiri, Krishnagiri District.

For Petitioner ... Mr. E.Kannadasan

For Respondent ... Mr.C.E. Pratap, GA (crl.side)

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed against the petitioner in Spl.S.C.No.23 of 2019 on the file of the learned Sessions Judge, Fast Track Magalir Neethirmandram, Krishnagiri, Krishnagiri District.



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2. The petitioner, who was the sole accused in Spl.S.C.No.23 of 2019 was convicted and sentenced by the Sessions Judge, Fast Track Magalir Neethirmandram, Krishnagiri, Krishnagiri District as follows:

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	Section 366 IPC	RI for four years and to pay a fine of Rs.1000/-, in default to pay fine, to undergo RI for three months
	Section 9 of Prohibition of Child Marriage Act, 2006	To undergo RI for two years and to pay a fine of Rs.2000/-, in default, to pay fine, to undergo RI for three months
	Section 5(1) r/w.6 of POCSO Act	To undergo RI for ten years and to pay a fine of Rs.2000/-, in default to pay fine, to undergo RI for six months.

The fine amount imposed was already paid and the sentence imposed for all the offences 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.

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



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5. The learned counsel for the petitioner submitted that there are arguable points in this appeal and the petitioner has a good and fair chance of success in this appeal. He further submitted that the petitioner has already paid the fine amount and he has been in judicial confinement since 28.09.2022. 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 judicial custody from 28.09.2022. 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 an own bond for a sum of Rs.10,000/-(Rupees ten thousand only) to the satisfaction of the Superintendent of Prison, Central Prison, Vellore.
- (ii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the Trial Court may obtain a



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copy of his Aadhar card or Bank pass Book to ensure his identity.

(iii) The petitioner shall appear before the trial Court as and when required.

15.12.2022

msr

Note : Issue Today

To

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

V.SIVAGNANAM, J.

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