



Crl.MP.No.18959 of 2022 in Crl.A.No.1260 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.18959 of 2022

in

Crl.A.No.1260 of 2022

K.Chithambaram

... Petitioner

Vs.

State rep. by Inspector of Police,
All Women Police Station,
Tirupur South Police Station,
Tiruppur City.
Crime No.17 of 2021.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed on the petitioner in Spl.S.C.No.110 of 2021 on the file of the Sessions Judge, Mahalir Neethimandran (Fast Track Mahila Court), Tiruppur dated 14.11.2022 and release the petitioner on bail pending disposal of the above appeal.



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For Petitioner

: Mr.J.Franklin

For Respondent

: Mr.C.E.Pratap, Govt. Advocate
(Crl. Side)

ORDER

The petitioner, who is accused in Spl. S.C.No.110 of 2021 on the file of the Magalir Neethimandram (Fast Track Mahila Court, Tiruppur, seeks suspension of his sentence of imprisonment.

2. The Trial Court, by judgment dated 14.11.2022, convicted the petitioner/accused for the offence punishable under Sections 9(m) r/w 10 of POCSO Act, 2012 and sentenced him to undergo 3 years rigorous imprisonment and to pay fine of Rs.5,000/-, in default, to undergo three months simple imprisonment.

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



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4. The learned counsel for the petitioner submitted that there are arguable points in this Appeal and hence, prayed for suspension of sentence.

5. I have perused the impugned judgments and the materials on record.

6. Taking into consideration of the above submission of the learned counsel 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.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner is ordered to be released on bail on his *executing a bond for a*



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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, Magalir Neethimandram, (Fast Track Mahila Court), Tiruppur.

(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)**

mst

To

1. The Sessions Judge, Magalir Neethimandram
(Fast Track Mahila Court) Tiruppur.
2. All Women Police Station,
Tiruppur South Police Station, Tiruppur City..
3. The Public Prosecutor, Madras High Court.

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V.SIVAGNANAM, J.,

mst

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