



Crl.M.P.No.19135 of 2022 in Crl.A.No.1270 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.19135 of 2022

in

Crl.A.No.1270 of 2022

Sundaram

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Mathur Police Station,
Krishnagiri District.
(Crime No.435 of 2019)

... 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.35 of 2020 on the file of the Sessions Judge, Fast Track Mahila Court, Krishnagiri, Krishnagiri District dated 17.11.2021 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)



Crl.M.P.No.19135 of 2022 in Crl.A.No.1270 of 2022

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ORDER

The petitioner, who is accused in Spl.S.C.No.35 of 2020 on the file of the Fast Track Mahila Court, Krishnagiri, seeks suspension of his sentence of imprisonment.

2. The Trial Court, by judgment dated 17.11.2021, acquitted the petitioner from the offence punishable under Section 11(1) of POCSO Act, 2012, however, convicted the petitioner for the offences punishable under Sections 5(1) r/w 6 of POCSO Act, 2012 and Section 506(ii) IPC, and sentenced him as under:

Conviction under Section	Sentence
5(1) r/w 6 of POCSO Act	Rigorous imprisonment for 20 years and to pay a fine of Rs.1,000/-, in default, to undergo rigorous imprisonment for 6 months.
506(ii) IPC	Rigorous imprisonment for 5 years.

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



Crl.M.P.No.19135 of 2022 in Crl.A.No.1270 of 2022

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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 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. 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.

7. Accordingly, it is ordered as follows.



Crl.M.P.No.19135 of 2022 in Crl.A.No.1270 of 2022

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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 the Sessions Judge, Fast Track Mahila Court, 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, as and when required.

16.12.2022
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Note: Issue order copy on 16.12.2022
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To

4 of 6



Crl.M.P.No.19135 of 2022 in Crl.A.No.1270 of 2022

1. The Sessions Judge, Fast Track Mahila Court, Krishnagiri
2. The Central Prison, Salem.
3. The Inspector of Police, Mathur Police Station,
Krishnagiri District.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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Crl.M.P.No.19135 of 2022 in Crl.A.No.1270 of 2022

V.SIVAGNANAM, J.,

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Crl.M.P.No.19135 of 2022

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(2/2)