



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL MP(MD) No.5357 of 2022
IN
CRL A(MD) No.253 of 2022

RAJESH

... PETITIONER/APPELLANT

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
THISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.372 OF 2018.

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed on the appellant made in Judgment dated 03.03.2022 in Spl.SC.No.244 of 2019 on the file of the Learned Special Judge for POCSO Act Cases, Tirunelveli and enlarge the Petitioner on bail pending disposal of the above Criminal Appeal.

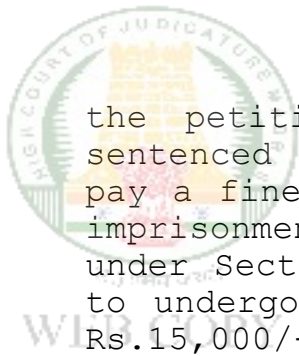
PRAYER IN CRL A(MD)No.253 of 2022:

To call for the records relating to the Judgment dated 03.03.2022 made in Special C.C.No.244 of 2019 on the file of the Learned Special Judge for POCSO Act cases, Tirunelveli and set aside the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.V.ANGUSAMY, Advocate for the petitioner and of M/S.M.AASHA, Government Advocate (Criminal Side) on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Special Judge for POCSO Act Cases, Tirunelveli in Spl.S.C.No.244 of 2019 dated 03.03.2022, till the disposal of the appeal.

2. A case in Crime No.372 of 2018 was registered against the petitioner and the same was taken on file as Spl.S.C.No.244 of 2019 on the file of the Special Court for POCSO Act Cases, Tirunelveli. The learned Special Judge for POCSO Act Cases, Tirunelveli found



the petitioner guilty under Section 363 IPC and convicted and sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.10,000/- in default, to undergo six months simple imprisonment. Further, the trial Court found the petitioner guilty under Section 7 r/w 8 of POCSO Act and convicted and sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.15,000/- in default, to undergo six months rigorous imprisonment. Against the conviction and sentence, the petitioner has preferred an appeal in Crl.A.(MD)No.253 of 2022. Along with the appeal, the petitioner has filed petition in Crl.M.P.(MD)Nos.4149 of 2022 and the same was dismissed by this Court, by an order dated 30.03.2022. Again the petitioner has filed the present petition for suspension of sentence pending disposal of the said appeal.

3. The learned counsel appearing for the petitioner submitted that the petitioner is in custody for more than six months and it is the second application and hence, prayed the sentence to be suspended till the disposal of the appeal.

4. Heard the submission of the learned Government Advocate (Crl.Side).

5. Considering the facts and circumstances of the case and also considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

6. Accordingly, 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 Judge for POCSO Act Cases, Tirunelveli and on further condition that the petitioner shall appear before the said Court weekly once i.e., on every Wednesday at 10.30 a.m. pending disposal of the appeal.

sd/-

19/05/2022

/ TRUE COPY /

20/05/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SPECIAL JUDGE FOR
POCSO ACT CASES, TIRUNELVELI.

2 THE INSPECTOR OF POLICE
THISAYANVILAI POLICE STATION,
TIRUNELVELI DISTRICT.



3 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

WEB COPY

+1 CC to M/s.V.ANGUSAMY, Advocate (SR-4965[I] dated 20/05/2022)

ORDER

IN

CRL MP (MD) No.5357 of 2022

IN

CRL A (MD) No.253 of 2022

Date :19/05/2022

PKP/JM/SAR-2/20.05.2022/3P/6C