



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.5810 of 2022
IN
CRL A(MD) No.154 of 2022

NAGARAJ

... APPELLANT/PETITIONER

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ARUPPUKOTTAI ALL WOMEN POLICE STATION,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.

... 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 in Special S.C.No.47 of 2018 dated 23/09/2021 passed by the Learned Special court for exclusive Trial of Cases under POSCO Act and enlarge the petitioner on bail pending disposal of the above appeal.

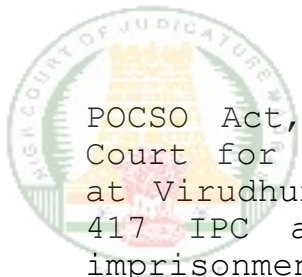
PRAYER IN CRL A(MD) No.154 of 2022:

To call for the records of the judgment in Special S.C.No.47 of 2018 dated 23.09.2021 passed by the Learned Special Court for exclusive Trial of Cases under POCSO Act, Srivilliputhur at Virudhunagar District and to 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 M/S.G.KARUPPASAMY PANDIAN, Advocate for the petitioner and of M/S.M.AASHA, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

This petition has been filed to suspend the sentence imposed by the learned Special Judge, Special Court for exclusive trial of cases under POCSO Act, Srivilliputhur at Virudhunagar District in Spl.S.C.No.47 of 2018 dated 23.09.2021, till the disposal of the appeal.

2.A case in Crime No.3 of 2018 was registered against the petitioner and the same was taken on file as Spl.S.C.No.47 of 2018 on the file of the Special Court for exclusive trial of cases under



POCSO Act, Srivilliputhur at Virudhunagar District. The Special Court for exclusive trial of cases under POCSO Act, Srivilliputhur at Virudhunagar District found the petitioner guilty under Section 417 IPC and convicted and sentenced him to undergo one year imprisonment and to pay a fine of Rs.5,000/- in default, to undergo six months simple imprisonment. Further, the trial Court found the petitioner guilty under Section 4 r/w 3 of POCSO Act and convicted and sentenced him to undergo seven years imprisonment and to pay a fine of Rs.5,000/- in default, to undergo six months simple imprisonment. Against the conviction and sentence, the petitioner has preferred an appeal in CrI.A.(MD)No.154 of 2022. Along with the appeal, 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 from 23.09.2021 and the trial Court without considering the medical evidence, convicted the petitioner. Further more, he has permanent residence at Madurai and ready to abide any condition. Hence, prayed the sentence to be suspended till the disposal of the appeal.

4.Heard the submission of the learned Government Advocate (CrI.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, Special Court for exclusive trial of cases under POCSO Act, Srivilliputhur at Virudhunagar District and on further condition that the petitioner shall appear before the Madurai Town Police Station weekly twice i.e., on every Monday and Friday at 10.30 a.m. pending disposal of the appeal.

sd/-
19/05/2022

/ TRUE COPY /

23/05/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE SPECIAL JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
SRIVILLIPUTHUR AT VIRUDHUNAGAR DISTRICT.

2 THE INSPECTOR OF POLICE
ARUPPUKOTTAI ALL WOMEN POLICE STATION,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.

3 THE INSPECTOR OF POLICE,
MADURAI TOWN POLICE STATION,
MADURAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

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

+1 CC to M/s.G.KARUPPASAMY PANDIYAN, Advocate (SR-4850[I] dated
20/05/2022)

ORDER

IN

CRL MP(MD) No.5810 of 2022

IN

CRL A(MD) No.154 of 2022

Date :19/05/2022

RS/SVR/SAR.2 (20.05.2022) 3P-7C