



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Wednesday, the Fourteenth day of September Two Thousand and  
Twenty Two

WEB COPY

PRESENT

**The Hon`ble Mr.Justice G.ILANGO VAN**

CRL MP(MD) No.10969 of 2022  
in  
CRL.A.(MD)No.560 of 2022

P.SOLAIRAJA

... APPELLANT/ACCUSED NO.1

Vs

THE STATE REP. BY,  
THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
THALLAKULAM,  
MADURAI DISTRICT.  
CRIME NO. 36 OF 2019.

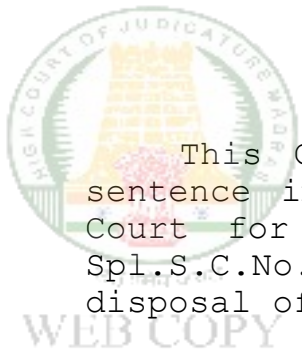
... RESPONDENT/COMPLAINANT

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 against the petitioner / appellant in Spl S.C No. 136/2019 dated 17.08.2022 on the file of the Honourable Special court for POCSO Act Cases/ Mahila Court, Madurai and release the petitioner/appellant on bail till the disposal of the main appeal.

**PRAYER in CRL.A.(MD)No.560 of 2022 :**

Pleased to call for the records connected to the judgment dated 17.08.2022 in Spl.SC No.136 of 2019 on the file of the Honorable Special Court for POCSO Act Cases/Mahila Court, Madurai and set aside the conviction and sentence imposed against the appeallant and acquit the appeallant.

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.MALAIKANI.S, Advocate for the petitioner and of MR.SS.MADHAVAN, Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-



This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Sessions Judge, Principal Special Court for Cases under POCSO Act, Madurai, dated 17.08.2022 in Spl.S.C.No.136 of 2019 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

2.The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial judge, for the alleged offence under Section 7 & 8 of the Protection of Children from Sexual Offences Act and sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.2,000/- in default to undergo simple imprisonment for a period of 6 months, in Spl.S.C.No.136 of 2019 on the file of the learned Sessions Judge, Principal Special Court for Cases under POCSO Act, Madurai.

3.It is submitted by the learned counsel for the petitioner that the sentence was already suspended by the trial Court till 16.09.2022.

4.Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the fact the petitioner is already enlarged on bail by the trial Court, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal 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 Sessions Judge, Principal Special Court for Cases under POCSO Act, Madurai and on further condition that the petitioner shall appear before the said Court once in a week at 10.30 a.m. pending appeal.

sd/-

14/09/2022

/ TRUE COPY /

/09/2022

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

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE SESSIONS JUDGE,  
PRINCIPAL SPECIAL COURT FOR CASES UNDER POCSO ACT,  
MADURAI.

2. THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
THALLAKULAM,  
MADURAI DISTRICT.

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

+1 CC to M/s.S.MALAIKANI, Advocate ( SR-10063[I] dated 15/09/2022 )

ORDER  
IN  
CRL MP(MD) No.10969 of 2022  
in  
CRL.A.(MD)No.560 of 2022  
Date :14/09/2022

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USK/SBN/SAR-III/15.09.2022/3P/5C