



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

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

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.10960 of 2022
in
CRL.A.(MD)No.558 of 2022

BALACHANDRAN

... PETITIONER/APPELLANT/
SOLE ACCUSED

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
CRIME NO.7 OF 2019.

... RESPONDENT/RESPONDENT/
COMPLAINANT

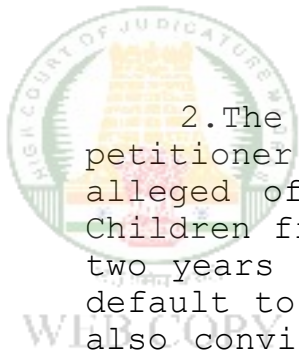
Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence imposed on the Petitioner by the Learned Special Court for POCSO Act Cases, Virudhunagar District at Srivilliputhur by its judgment in Spl.SC.No.45 of 2019 dated.25.7.2022 and enlarge him on bail pending disposal of the Criminal Appeal.

PRAYER IN CRL.A.(MD)No.558 of 2022 :

Pleased to call for the records of the impugned judgment made in Spl.S.C.No.45 of 2019 on the file of the Learned Special Court for POCSO Act Cases, Virudhunagar District at Srivilliputhur dated 25.07.2022 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 M/S.JEGADEESH PANDIAN M, Advocate for the petitioner and of MR.RMS.SETHURAMAN, Additional Public Prosecutor 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, Special Court for Cases under POCSO Act, Virudhunagar at Srivilliputhur, dated 25.07.2022 in Spl.S.C.No.45 of 2019 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.



2.The learned counsel for the petitioner submitted the petitioner has been convicted by the learned trial judge, for the alleged offence under Section 11(i) r/w 12 of the Protection of Children from Sexual Offences Act, 2012 and sentenced him to undergo two years rigorous imprisonment and imposed a fine of Rs.2,000/- in default to undergo simple imprisonment for a period of 3 months and also convicted for the offence under Section 11(iv) r/w 12 of the POCSO Act, 2012 and sentenced him to undergo two years rigorous imprisonment and imposed a fine of Rs.2,000/- in default to undergo simple imprisonment for a period of 3 months and further sentences are ordered to be run concurrently and the period of sentence already undergone by the appellant is ordered to be set-off, by the judgment passed in Spl.S.C.No.45 of 2019 on the file of the learned Sessions Judge, Special Court for Cases under POCSO Act, Virudhunagar at Srivilliputhur.

3.It is submitted by the learned counsel for the petitioner that the sentence was already suspended by the trial Court for a period of one month

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, Special Court for Cases under POCSO Act, Virudhunagar at Srivilliputhur 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 /

15/09/2022

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,
SPECIAL COURT FOR CASES UNDER POCSO ACT,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.10960 of 2022
in
CRL.A.(MD)No.558 of 2022
Date :14/09/2022

TM

USK/VRS/SAR-III/14.09.2022/3P/4C