



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.10947 of 2022

IN

CRL A(MD) No.557 of 2022

GURUBARATH

... PETITIONER/APPELLANT/SOLE ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION,

ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.

(CRIME NO.13 OF 2018)

... 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 Sriviliputhur, by its judgment in Spl.S.C.No.57 of 2019 Dated 02.09.2022 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

Prayer in CRL A(MD).557/2022 :

To call for the records of the impugned judgment made in Spl.S.C.No.57 of 2019 on the file of the Learned Special Court for POCSO Act Cases, Virudhunagar District at Srivilliputhur dated 02.09.2022 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.M.JEGADEESH PANDIAN, 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 02.09.2022 in Spl.S.C.No.57 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 11(iv) r/w 12 of the Protection of Children from Sexual Offences Act, 2012 and sentenced him to undergo one year rigorous imprisonment and to pay a fine of Rs.5,000/- in



default to undergo simple imprisonment for a period of 3 months in Spl.S.C.No.57 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, ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL MP(MD) No.10947 of 2022
IN CRL A(MD) No.557 of 2022
Date :14/09/2022

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RS/SBN/SAR.3 (15.09.2022) 2P-4C

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