



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

Wednesday, the Twenty Third day of November Two Thousand and Twenty
Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.14401 of 2022

IN

CRL A(MD) No.802 of 2022

MARUTHUPANDI

... PETITIONER/APPELLANT

Vs

State Rep.by
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
USILAMPATTI, MADURAI DISTRICT.
CR.NO.52/2017

... 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 passed by the learned Sessions Court, Special Court for the Exclusive Trial of POCSO Act Cases, Madurai in Spl.S.C.No.86/2018 dt 07.11.2022, pending disposal of the Criminal Appeal.

Prayer in CRL A(MD) No.802 of 2022 :

To calling for the records pertaining to the conviction and sentence passed in Spl.S.C.No.86 of 2018 on the file of the learned Sessions Court, Special Court for the Exclusive Trial of POCSO Act Cases, Madurai, dated 07.11.2022 and set aside the same as illegal and acquit the appellant.

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.SIVABALAN K, Advocate for the petitioner and of MR.RMS.SETHURAMAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the CRL A., the court made the following order:-

This petition is filed to suspend the sentence imposed against the petitioner, by Judgment, dated 07.11.2022, passed by the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Madurai in Spl.S.C.No.86 of 2018.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted and sentenced by the trial Court, to undergo Rigorous Imprisonment, for a period of two years and to pay a fine of Rs.3,000/- for the offence under Section 11(iv) r/w 12 of POCSO Act and to undergo Rigorous Imprisonment, for a period of two years and to pay a fine of Rs.2,000/- for the offence under Section 506(ii) IPC.



3. Challenging the above said conviction and sentence, the petitioner has preferred this present Appeal before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. The learned counsel appearing for the petitioner submitted that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the sentence period of the petitioner was suspended by the trial Court.

5. The learned counsel appearing for the respondent submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed to grant suspension of sentence.

6. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

7. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

8. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:-

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Madurai.
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and
- (iii) The petitioner shall appear before the respondent police daily at 10.30 a.m, until further orders.

sd/-

23/11/2022

/ TRUE COPY /

24/11/2022

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



TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR THE EXCLUSIVE TRIAL OF POCSO ACT CASES,
MADURAI.

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

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

+1 CC to M/s.K.SIVABALAN, Advocate (SR-13572[I] dated 24/11/2022)

ORDER
IN
CRL MP(MD) No.14401 of 2022
IN
CRL A(MD) No.802 of 2022
Date :23/11/2022

PNM
RS/SSS/SAR.(24.11.2022) 3P-5C