



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

Friday, the Twenty Fifth day of November Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.14596 of 2022
in
CRL A(MD) No.809 of 2022

JANARTHANAN

... PETITIONER/APPELLANT

Vs

State Rep.by
THE INSPECTOR OF POLICE
KABISTHALAM POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.699 OF 2021.

... 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 of Imprisonment imposed on the Appellant in Spl.SC.No.9 of 2022 on the file of the Learned District and Sessions court (Special Court for POCSO Act Cases), Thanjavur dt.26.9.2022 and enlarge the Petitioner/Appellant on bail.

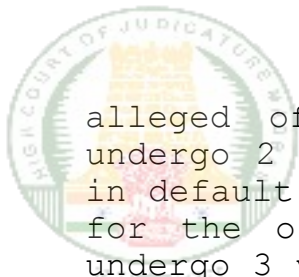
Prayer in CRL A(MD).809/2022 :

To admit the appeal preferred by this Appellant and call for the records relating to the judgment in Spl.S.C.No.09 of 2022 on the file of the Learned District and Sessions Court (Special Court for POCSO Act Cases), Thanjavur and set aside the same and allow the Appeal.

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.MAHESWARAN R, Advocate for the petitioner and of MR.SS.MADHAVAN, Government Advocate (Crl.Side) on behalf of the Respondent, while admitting the CRL A., 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 Exclusive Trial of Cases under POCSO Act, Thanjavur, dated 26.09.2022 in Spl.C.C.No.9 of 2022 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 294(b) IPC and sentenced him to undergo 2 months simple imprisonment and to pay a fine of Rs.500/- in default to undergo simple imprisonment for a period of two weeks, for the offence under Section 354 (C) IPC and sentenced him to undergo 3 years simple imprisonment and to pay a fine of Rs.10,000/- in default to undergo six months simple imprisonment and for the offence under Section 11(ii) r/w 12 of POCSO Act and sentenced him to undergo 3 years simple imprisonment and to pay a fine of Rs.10,000/- in default to undergo 6 months simple imprisonment. The sentences were ordered to run concurrently and set off under Section 428 Cr.P.C. was also ordered.

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 30 days.

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 Exclusive Trial of Cases under POCSO Act, Thanjavur 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/-

25/11/2022

/ TRUE COPY /

29/11/2022

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 EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,

<https://www.mhcn.org/>



2 THE INSPECTOR OF POLICE, KABISTHALAM POLICE STATION,
THANJAVUR DISTRICT.

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

WEB COPY

ORDER

IN

CRL MP(MD) No.14596 of 2022
in

CRL A(MD) No.809 of 2022

Date :25/11/2022

TM

RS/VR/SAR.(29.11.2022) 3P-4C