



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

Thursday, the Fifteenth day of December Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.15487 of 2022

IN

CRL A(MD) No.853 of 2022

PRADAP

... PETITIONER/ACCUSED No.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUPPARANKUNDRAM,
MADURAI DISTRICT.
IN CRIME NO.05/2019

... 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 in Spl SC No.77/2019 on the file of Learned Principal Special Court for exclusive trial of cases under POCSO Act, Madurai dated on 19.11.2022 enlarge the petitioner on bail.

PRAYER IN CRL A(MD) No.853/2022:

Pleased to call for the records from the Learned Principal Special Court for exclusive trial of cases under POCSO Act, Madurai and set aside the Judgment passed in Spl.S.C.No.77 of 2019 and convicted for the offences under section under 16 r/w 17 of Protection of Children from sexual Offence Act 2012 and sentenced to undergo Three years rigorous imprisonment and also pay fine of Rs.3,000/- (Rupees three thousand only) in default six month simple imprisonment on 09.11.2022.

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.JINNAH S M A, Advocate for the petitioner and of on behalf of the Respondents the court made the following order:-

This petition is filed to suspend the sentence passed in Spl.S.C.No.77 of 2019 dated 19.11.2022, by the learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai, pending disposal of the Criminal Revision.



2. Challenging the conviction and sentence, the petitioner has preferred the present Criminal Revision Case along with the instant miscellaneous petition seeking suspension of sentence.

3. The learned counsel appearing for the petitioner submitted that the trial court has suspended the sentence of the petitioner till 12.12.2022 and he is only bread winner of his family.

4. The suspension of sentence passed by the trial Court is expired on 13.12.2022. Even before the matter has been processed by the Registry and list before the Court, another petitioner has been filed before the concerned Court seeking extension of time. The order has been awarded by the petitioner instead he has filed the petition and suffered a dismissal of order also. Because of the delay on the part of the Court in taking the matter in time, the order may be awarded and the above said time also expired.

5. In view of the very same ground, on which the trial Court has passed the suspension of sentence, the sentence imposed on the petitioner is suspended by this Court, pending disposal of the Criminal Revision Case, with the following conditions:-

1. 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 learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai.
2. 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
3. The petitioner shall appear before the trial Court daily at 10.30 a.m until further orders.

sd/-

15/12/2022

/ TRUE COPY /

15/12/2022

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

TO

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



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

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

+1. C.C. to M/S.JINNAH S M A Advocate SR.No.14902

ORDER

IN

CRL MP (MD) No.15487 of 2022

IN

CRL A (MD) No.853 of 2022

Date :15/12/2022

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SA/SSS/SAR. /15.12.2022/3P/5C