



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

Monday, the Nineteenth day of December Two Thousand and Twenty Two

PRESENT

**The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA**

CRL MP(MD) No.15738 of 2022  
in  
Crl.A.(MD)No.866 of 2022

VAIRAMANI

... PETITIONER/APPELLANT

Vs

THE STATE REP. BY,  
THE INSPECTOR OF POLICE,  
KEERANUR ALL WOMEN POLICE STATION,  
PUDUKOTTAI DISTRICT.  
(CRIME NO.12 OF 2022).

... 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 imposed in Special S.C.No.35 of 2022 by the learned Sessions Judge, Mahila Court, Pudukottai, dated 05.12.2022 and enlarge the petitioner on bail pending disposal of the main Criminal Appeal.

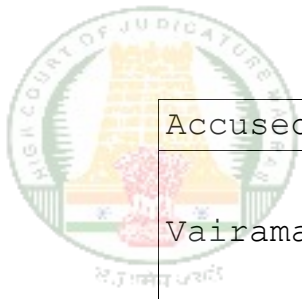
**PRAYER IN Crl.A.(MD)No.866 of 2022 :**

Pleased to call for the records and set-aside the conviction and sentence passed in Special S.C.No.35 of 2022 dated 05.12.2022 by the Learned Sessions Judge, Mahila Court, Pudukkottai.

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.MURUGESAN.D.R., Advocate for the petitioner and of MR.B.NAMBI SELVAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence of imprisonment, imposed by the Sessions Judge, Mahila Court, Pudukkottai vide judgment in S.C.No.35 of 2022, dated 05.12.2022 and to enlarge the petitioner/appellant on bail.

2.The conviction and sentence imposed against the petitioner/appellant is as follows:-



| Accused   | Under Section                   | Sentence                                                                                                                |
|-----------|---------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| Vairamani | 12 of POCSO Amendment Act, 2019 | Rigorous imprisonment for three years to pay a fine of Rs.75,000/- in d/f to undergo Simple Imprisonment for six months |

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3. The learned counsel for the petitioner/appellant would submit that there are arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the petitioner/appellant, have got a fair chance of succeeding in the Criminal Appeal and the sentence imposed against the petitioner/appellant, may be suspended and he may be enlarged on bail. He would further submit that the trial Court has suspended the sentence till 05.01.2023 and that the petitioner has already paid the fine amount of Rs.75,000/- before the trial Court.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the prosecution has proved the case beyond reasonable doubts and the trial Court on finding the petitioner/appellant guilty convicted him as stated above. Therefore, he vehemently oppose for grant of suspension of sentence.

5. Heard the learned counsel for the petitioner/appellant and the Government Advocate (Crl.Side) appearing for the respondent and perused the materials on record.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner/appellant, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, suspension of sentence and bail are granted, on the following conditions :-

(i) The petitioner/appellant shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Pudukkottai;

(ii) The petitioner/appellant shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders;

7. The Criminal Miscellaneous Petition is ordered accordingly.

sd/-  
19/12/2022

/ TRUE COPY /

/12/2022

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



TO

1. THE SESSIONS JUDGE,  
MAHILA COURT, PUDUKKOTTAI.

2. THE INSPECTOR OF POLICE,  
KEERANUR ALL WOMEN POLICE STATION,  
PUDUKOTTAI DISTRICT.

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

+1 CC to M/s.MURUGESAN.D.R, Advocate ( SR-15140[I] dated  
20/12/2022 )

ORDER

IN

CRL MP(MD) No.15738 of 2022  
in

Cr1.A.(MD)No.866 of 2022

Date :19/12/2022

trp

USK/VR/SAR-II/22.12.2022/3P/5C