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*Crl.MP.No.431 of 2023 in
Crl.A.No.328 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 23.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.431 of 2023 in
Crl.A.No.328 of 2022**

Murugan

... Petitioner

Vs.

The State of Tamilnadu,
rep. by the Inspector of Police,
All Women Police Station,
Ammamet, Salem.
(Crime No.11/2018)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(2) Cr.P.C to suspend the sentence of imprisonment imposed on the petitioner by the learned Principal Special Judge, Special Court for Trial of Cases under the Protection of Children from Sexual Offences Act, 2012, Salem, vide judgement dated 28.02.2022 made in Spl.S.C.No.159/2019 and release him on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.M.R.Thangavel

For Respondent : Mr.C.E.Pratap,
Government Advocate (Crl. Side)

ORDER



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This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in Spl.S.C No.159/2019, vide judgement dated 28.02.022, pending disposal of the Criminal Appeal.

2. The learned Principal Special Judge, Special Court for Trial of Cases under the Protection of Children from Sexual Offences Act, 2012, Salem, vide judgement dated 28.02.2022 passed in Spl.S.C.No.159/2019 convicted and sentenced the petitioner, as extracted hereunder.

Conviction under Section	Sentence
Sec.8 of POCSO Act	5 years Rigorous Imprisonment and to pay a fine of Rs.20,000/-, in default, to undergo 6 months simple imprisonment

3. Challenging the conviction and sentence slapped by the Trial Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that there are arguable points in this Criminal Appeal. He further submitted that the petitioner is in custody from 28.02.2022 and hence, prayed for suspension of



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5. Heard the learned Government Advocate(Crl. side) appearing for the respondent and perused the impugned judgment and the materials on record.

6. Considering the incarceration suffered by the petitioner and also taking into consideration of the above submission of the learned counsel appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended 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 Principal Special Judge, Special Court for Trial of Cases under the Protection of Children from Sexual Offences Act, 2012, Salem.***



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(ii) The petitioner and 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.

(iii) The petitioner shall appear before the Trial Court as and when required.

23.01.2023

(1/2)

Index:Yes/No
Internet:Yes/No
mst

To

- 1.The Principal Special Judge, Special Court for Trial of Cases under the POCSO Act, Salem.
- 2.The Superintendent, Central Prison, Salem.
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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