



Crl.M.P.No.1179 of 2023 in Crl.A.No.596 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.M.P.No.1179 of 2023

in

Crl.A.No.596 of 2022

1.Jeeva
2.Pandy

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Tiruppur North-All Women Police Station,
Tiruppur.
(Crime No.23 of 2021)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1)(2) of Cr.P.C. to suspend the sentence imposed in S.C.No.107 of 2021 dated 21.04.2022 on the file of the Mahila Court, Tiruppur and enlarge the petitioners on bail in pending disposal of the Criminal Appeal.

For Petitioners

: Mr.R.Anbalagan

For Respondent

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



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ORDER

The petitioners, who are the accused in S.C.No.107 of 2021 on the file of the Mahila Court, Tiruppur, seek suspension of their sentence of imprisonment.

2. The Trial Court, vide its judgment dated 21.04.2022, convicted the petitioners/accused for the offences punishable under Section 7 r/w.8 of POCSO Act, 2012, and sentenced them as under:

Conviction under Section	Sentence
Section 7 r/w.8 of POCSO Act, 2012	Rigorous Imprisonment for 5 years and to pay a fine of Rs.5,000/-, in default, to undergo Rigorous Imprisonment for 6 months.

3. Challenging the conviction and sentence slapped by the Trial Court, the petitioners are before this Court.



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4. The learned counsel for the petitioners submitted that there are arguable points in this Appeal. He further submitted that the petitioners are under custody and hence, prayed for suspension of sentence.

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

6. Taking into consideration of the above submission of the learned counsels appearing on both sides, this Court finds that the petitioners have substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioners are 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 petitioners are directed to be enlarged on bail on condition that the



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petitioners shall execute a separate 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 Mahila Court, Tiruppur.

(ii) The petitioners 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 petitioners shall appear before the Trial Court, as and when required.

31.01.2023

Note: Issue order copy on 31.01.2023

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To

1. The Mahila Court, Tiruppur.
2. The Superintendent, Central Prison, Coimbatore.
3. The Inspector of Police,
Tiruppur North-All Women Police Station, Tiruppur.

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4. The Public Prosecutor,
High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

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