



Crl.M.P.No.1393 of 2023 in Crl.A.No.106 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2023

CORAM

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

Crl.M.P.No.1393 of 2023

in

Crl.A.No.106 of 2023

D.Nanthakumar

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
All Women Police Station,
Cuddalore District.
(Crime No.19 of 2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence imposed against the petitioner on 24.02.2022 in Spl.S.C.No.71 of 2020, on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore District and release the petitioner on bail till the disposal of the Criminal Appeal.

For Petitioner : Mr.P.Pugalenth

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



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ORDER

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The petitioner, who is the accused in Spl.S.C.No.71 of 2020 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore District, seeks suspension of his sentence of imprisonment.

2. The Trial Court, vide judgment dated 24.02.2022, convicted the accused for the offence punishable under Sections 9(m), 10 of POCSO Act and sentenced him as under:

Conviction under Section	Sentence
Section 9(m), 10 of POCSO Act	Rigorous Imprisonment for 7 years with a fine of Rs.2,000/-, in default, to undergo Simple imprisonment for 3 months.

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 Appeal. He further submitted that the petitioner is under custody. Hence, prayed for suspension of sentence.

5. Heard the learned Government Advocate (CrI. Side) appearing for



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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 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 Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore District.*



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V.SIVAGNANAM, J.,

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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.

08.02.2023

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To

1. The Special Court for Exclusive Trial of Cases under POCSO Act,
Cuddalore District

2. The Superintendent, Central Prison, Cuddalore.

3. The Inspector of Police,
All Women Police Station,
Cuddalore District.

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

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