



*Crl.M.P.No.912 of 2023 in
Crl.A.No.71 of 2023*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2023

CORAM:

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

Crl.M.P.No.912 of 2023

in

Crl.A.No.71 of 2023

Karthik

... Petitioner

Vs.

The State, rep. by
The Inspector of Police,
Erode All Women Police Station,
Erode District.
Crime No.13 of 2020

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 (3) Cr.P.C., to enlarge the petitioner on bail by suspending the sentence imposed in Spl.S.C.No.19 of 2021 dated 27.12.2022 on the file of the Sessions Judge, Magalir Neethimandram (Fast Track Mahalir Neethimandram), Erode pending disposal of Criminal Appeal.

For Petitioner : Mr.T.Muruganantham

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



*Crl.M.P.No.912 of 2023 in
Crl.A.No.71 of 2023*

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ORDER

This petition has been filed to suspend the sentence imposed on the petitioners by the Trial Court in Spl.S.C.No.19 of 2021, on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahalir Neethimandram), Erode, seeks suspension of his sentence of imprisonment.

2. The Trial Court, vide its judgment dated 27.12.2022, acquitted the petitioner from the offence punishable under Section 67B(a) of Information Technology (Amendment) Act, 2008, however, convicted the petitioner for the offences punishable under Sections 11(ii)(iv)(v) r/w. 12 of POCSO Act, 2012, and sentenced him as under:

Conviction under Section	Sentence
11(ii)(iv)(v) r/w. 12 of POCSO Act, 2012	Rigorous Imprisonment for 3 years and to pay a fine of Rs.1,000/- and in default Simple Imprisonment for 1 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



*Crl.M.P.No.912 of 2023 in
Crl.A.No.71 of 2023*

arguable points in this Criminal Appeal 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 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 shall surrender before the Trial Court within two weeks from the date of receipt of a copy of this order and on such surrender, the petitioner is ordered to be released on bail on ***executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two***



Crl.M.P.No.912 of 2023 in
Crl.A.No.71 of 2023

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sureties each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethimandram, (Fast Track Magalir Neethimandram), Erode.

(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.

25.01.2023
2/2

Index:Yes/No
Internet:Yes/No
rpl

To

1.The Sessions Judge, Magalir Neethimandram (Fast Track Mahalir Neethimandram), Erode

2.The Inspector of Police,
Erode All Women Police Station,
Erode District.

2.The Public Prosecutor, High Court, Madras.



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*Crl.M.P.No.912 of 2023 in
Crl.A.No.71 of 2023*

V.SIVAGNANAM, J.

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**Crl.M.P.No.912 of 2023 in
Crl.A.No.71 of 2023**

**25.01.2023
(2/2)**