



*Crl.M.P.No.1010 of 2023 in
Crl.A.No.84 of 2023*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2023

CORAM:

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

Crl.M.P.No.1010 of 2023

in

Crl.A.No.84 of 2023

Sivakumar

... Petitioner

Vs.

The State, rep. by
The Inspector of Police,
AWPS Madipakkam
Crime No.8 of 2020

...Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389 (3) Cr.P.C., to suspend the sentence passed in Spl.S.C.No.71 of 2020, dated 26.12.2022, by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu convicted the appellant/Accused for the offences punishable under Section 11(I) r/w.12 of POCSO Act, 2012, sentenced him to undergo Rigorous Imprisonment of 3 years and to pay a fine of Rs.5,000/- and in default Simple Imprisonment for 6 months and enlarge the petitioner on bail till the disposal of the appeal.



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For Petitioner : Mr.R.Radha Pandian

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

ORDER

This petition has been filed to suspend the sentence imposed on the petitioners by the Trial Court in Spl.S.C.No.71 of 2020, on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu, seeks suspension of his sentence of imprisonment.

2. The Trial Court, vide its judgment dated 26.12.2022, convicted the petitioner for the offences punishable under Sections 11(I) r/w.12 of POCSO Act, 2012, and sentenced him as under:

Conviction under Section	Sentence
11(I) r/w.12 of POCSO Act, 2012	Rigorous Imprisonment for 3 years and to pay a fine of Rs.5,000/- and in default Simple Imprisonment for 6 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



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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***



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sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu.

(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.

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Index:Yes/No
Internet:Yes/No
rpl

To

1.The Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu.

2.The Inspector of Police,
AWPS,
Madipakkam.

2.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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