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Crl.M.P.No.2953 of 2023 in Crl.A.No.200 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2023

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

Crl.M.P.No.2953 of 2023

in

Crl.A.No.200 of 2023

Mathiazhagan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
All Women Police Station,
Mettur,
Salem District.
(Crime No.1 of 2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence imposed against the petitioner/appellant in Spl.S.C.No.24 of 2020 dated 30.08.2022 by the learned Principal Sessions Judge, POCSO Court, Salem, and release the petitioner on bail pending disposal of the above appeal.

For Petitioner
For Respondent

: Mr.Philip Ravendran Jesudoss
: Mr.C.E.Pratap,
Govt. Advocate (Crl.Side)



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ORDER

The petitioner, who is the accused in Spl.S.C.No. 24 of 2020 on the file of the learned Principal Sessions Judge, POCSO Court, Salem, seeks suspension of his sentence of imprisonment.

2. The Trial Court, by its judgment dated 30.08.2022 convicted him for the offences punishable under Section 9(m) r/w 10 of POCSO Act and sentenced him as under:

Conviction under Section	Sentence
9(m) r/w.10 of POCSO Act, 2012	To undergo rigorous Imprisonment for 7 years with a fine of Rs.5000/-, in default, to undergo rigorous imprisonment for one year.

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 Appeal. He further submitted that the petitioner is 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 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



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learned Judicial Magistrate, Mettur.

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the above said 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.

01.03.2023
(2/2)

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To

1. The Sessions Judge, Principal POCSO Court, Salem.
2. The Superintendent, Central Prison, Coimbatore.
3. The Inspector of Police,
All Women Police Station,
Mettur,
Salem District.
(Crime No.1 of 2010)
4. The Public Prosecutor,
High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

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