



Crl.M.P.No.2607 of 2023 in Crl.A.No.172 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.2607 of 2023

in

Crl.A.No.172 of 2023

Ramachandran

... Petitioner

/vs/

The State represented by
Inspector of Police,
Chidambaram Town Police Station,
Chidambaram,
Cuddalore District
Crime No.747 of 2021

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389(1) of Cr.P.C., to suspend the sentence imposed in Spl.S.C.No.70 of 2021, dated 20.01.2023 passed by the Special Court for exclusive trial of cases under POCSO Act at Cuddalore and enlarge the petitioner on bail, pending disposal of the above appeal.

For Petitioner ... Mr. S. Velmurugan

For Respondent ... Mr.C.E.Pratap, GA (crl.side)

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed in Spl.S.C.No.70 of 2021, dated 20.01.2023



passed by the Special Court for exclusive trial of cases under POCSO Act at Cuddalore and enlarge the petitioner on bail, pending disposal of the above appeal.

2. The petitioner, who is the sole accused in Spl.S.C.No.70 of 2021 is convicted and sentenced by the trial court, by its judgment dated 20.01.2023 as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Sole accused	U/s.11(1) punishable u/s.12 of POCSO Act, 2012.	To undergo 3 years RI and a fine of Rs.1,000/-, in default in payment of fine, to undergo one month SI

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner by the trial court, the petitioner has filed the present criminal appeal, along with the instant miscellaneous petition, seeking suspension of sentence and bail.



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4. The learned counsel for the petitioner submitted that the judgment of the trial court is contrary to law, weight of evidence and probabilities of the case. There is no material evidence or oral evidence supplied by the prosecution to prove the sexual intention of the petitioner as required by Section 11 of POCSO Act, 2012. He further submitted that there are arguable points in this appeal and the petitioner has every chance to succeed in this Criminal appeal. Thus, he prayed for suspension of sentence till the disposal of this Criminal Appeal.

5. The learned Govt. Advocate (crl.side), supporting the impugned judgment of the trial court objected for granting suspension of sentence.

6. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. Considering the gravity of the offence and taking note of the fact that there are arguable points in favour of the petitioner, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.



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7. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner on the following conditions:

- (i) 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) along with two sureties, each for a like sum, to the satisfaction of the Trial Court;
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the trial Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;
- (iii) The petitioner shall appear before the trial Court as and when required.

22.02.2023

msr



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- 1.The Special Court for exclusive trial of cases under POCSO Act at
Cuddalore
2. The Inspector of Police,
Chidambaram Town Police Station,
Chidambaram.
3. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

msr

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