



Crl.MP No.2924 of 2023 in
Crl.A.No.194 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2023

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.MP No.2924 of 2023 in
Crl.A.No.194 of 2023

Deepan

... Petitioner

Vs.

State Rep. by the Inspector of Police,
Cuddalore Port Police Station,
Cuddalore District.
(Crime No.138/2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) r/w 439 of Cr.P.C. to suspend the sentence imposed on the petitioner by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore in Spl.S.C.No.26 of 2020 dated 25.01.2023 and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.Swamisubramanian

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



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ORDER

This petition has been filed to suspend the sentence imposed on the petitioner, by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore in Spl.S.C.No.26 of 2020 dated 25.01.2023 and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

2. The learned Trial Judge, vide Judgment dated 25.01.2023 passed in Spl.S.C.No.26/2020 convicted and sentenced the petitioner, as extracted hereunder.

<i>provision under which convicted</i>	<i>Sentence</i>
Sec.366 IPC	10 years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo 3 months simple imprisonment.
Sec. 5(1) & 6 POCSO Act	10 years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo 3 months simple imprisonment.
The above sentence of imprisonments are ordered to run concurrently.	

3. Aggrieved by the judgment of conviction passed by the Trial



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WEB COURT the petitioner filed the present Criminal Appeal with the instant petition, seeking to suspend the sentence of imprisonment.

5. The learned counsel for the petitioner submitted that the petitioner and the victim had love affair with each other and the victim had voluntarily left her house and went along with the petitioner/accused. He further submitted that there are arguable points in the Criminal Appeal and the petitioner is in judicial custody from 25.01.2023 and hence, prayed for suspension of sentence.

6. The learned Government Advocate (Crl.Side) appearing for the respondent objected to grant bail to the petitioner.

7. Heard the learned counsel for the petitioner and the learned Government Advocate(Crl. side) appearing for the respondent and perused the impugned judgment and the materials on record.

8. Taking into consideration of the above submission made by the



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learned counsel appearing on both sides, this Court finds that, the petitioner has substantial grounds in this Criminal Appeal, which require detailed appraisal. Further, taking into account the period of incarceration suffered by the petitioner, this Court is inclined to grant suspension of sentence of imprisonment alone.

9. 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court under POCSO Act, Cuddalore.*

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the concerned Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



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WEB COPY (iii) The petitioner shall appear before the Trial Court, as and when required.

27.02.2023
(2/2)

mst

To

1. The Sessions Judge, Special Court under POCSO Act, Cuddalore.
2. The Superintendent, Central Prison, Cuddalore.
3. The Public Prosecutor, High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

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