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Crl.M.P.No.2954 of 2023 in Crl.A.No.199 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.2954 of 2023

in

Crl.A.No.199 of 2023

Aravind

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Kadathur Police Station,
Erode District.
(Crime No.78 of 2021)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) r/w. 439 of Cr.P.C. to suspend the sentence imposed against the petitioner/appellant in Spl.S.C.No.30 of 2021 dated 31.01.2023 by the learned Sessions Judge, Magalir Neethi Mandram(Fast Tract Mahila Court, Erode), and release the petitioner on bail pending disposal of the above appeal.

For Petitioner

: Mr.J.Ranjithkumar

For Respondent

: Mr.C.E.Pratap,

Govt. Advocate (Crl.Side)



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ORDER

The petitioner, who is the accused in Spl.S.C.No. 30 of 2021 on the file of the learned Principal Sessions Judge, Magalir Neethi Mandram(Fast Tract Mahila Court, Erode), seeks suspension of his sentence of imprisonment.

2. The Trial Court, by its judgement dated 31.01.2023 acquitted the petitioner/ accused from the offence under Section 506(i) of IPC and convicted him for the offences punishable under Section 451 of IPC and under Section 7 punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and sentenced him as under:

Conviction under Section	Sentence
Section 451 of IPC	(i)To undergo rigorous imprisonment for 6 months with a fine of Rs.1500/-, in default, to undergo 2 months simple imprisonment
Sections 7 & 8 of the Protection of Children from Sexual Offences Act 2012	(ii) to undergo rigorous imprisonment for 3 years and fine of Rs.3000/- in default, to undergo 3 months simple imprisonment.



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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 arguable points in this Criminal Appeal. He further submitted that already, the petitioner has paid the fine amount 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 counsel 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



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petitioner shall surrender before the learned Sessions Judge, Magalir Neethi Mandram(Fast Tract Mahila Court, Erode), 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 his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Neethi Mandram(Fast Tract Mahila Court, Erode).

(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.

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To

1. The Sessions Judge, Magalir Neethi Mandram(Fast Tract Mahila Court, Erode).
2. The Inspector of Police,
Kadathur Police Station,
Erode District.
(Crime No.78 of 2021)
3. The Public Prosecutor,
High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

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