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Crl.M.P.No.4092 of 2023 in Crl.A.No.299 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED :27.03.2023**

**CORAM**

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

**Crl.M.P.No.4092 of 2023**

**in**

**Crl.A.No.299 of 2023**

Ponraman @ Karthik

... Petitioner

/vs/

State, represented by  
The Inspector of Police,  
All Women Police Station,  
Cuddalore,  
Cuddalore District.  
(Cr.No.4/2020)

.. Respondent

**Prayer :** Criminal Miscellaneous Petition filed under section 389(1) and 439 of Cr.P.C., to suspend the sentence imposed on the petitioner/appellant in Spl.S.C.No.18 of 2020 dated 28.10.2022 by the Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Cuddalore, pending disposal of the above criminal appeal.

For Petitioner

... Ms.D.Shobana

For Respondent

... Mr.A. Gokulakrishnan  
APP

**ORDER**

**WEB COPY** This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed on the petitioner/appellant in Spl.S.C.No.18 of 2020 dated 28.10.2022 by the Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Cuddalore, pending disposal of the above criminal appeal and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.

2. The petitioner, who is the sole accused in Spl.S.C.No.18/2020 is convicted and sentenced by the trial court, by its judgment dated 28.10.2022 as follows;

| <b><i>Petitioner's Rank</i></b> | <b><i>Provision under which convicted</i></b> | <b><i>Sentence</i></b>                                                                                      |
|---------------------------------|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| Sole accused                    | U/s.341 IPC                                   | To pay a fine of Rs.500/-, in default in payment of fine, to undergo one week SI                            |
|                                 | U/s. 3(b), 4 of POCSO Act, 2012               | To undergo 7 years RI and to pay a fine of Rs.2000/-, in default in payment of fine, to undergo 3 months SI |
|                                 |                                               | Acquitted from the charge u/s.7 and 8 of POCSO                                                              |

3. Aggrieved over the judgment of conviction and sentence imposed on the petitioner in Spl.S.C.No.18/2020, 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. The main allegation against the accused is only 'bad touch' and not any aggravated sexual assault upon the victim girl. Therefore, there are arguable points in this appeal and the petitioner has every chance to succeed in this appeal. Further, the petitioner is under judicial custody from 28.10.2022 and the entire fine amount has been paid. Thus, he prayed for suspension of sentence till the disposal of this Criminal appeal.

5. The learned Addl. Public prosecutor appearing for the respondent, on the other hand supporting the impugned order, objected to grant bail to the petitioner stating that the trial court rightly convicted and sentenced the petitioner. Thus he pleaded for dismissal of this petition.

6. Heard the learned counsel for the petitioner and the learned Addl. Public Prosecutor appearing for the respondent and perused the impugned order and materials available on record.



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7. On perusal of records, the trial court in its impugned judgement in paragraph 16, discussed about the evidence of the victim girl and it is noticed that the allegation levelled against the accused is only a bad touch on the victim girl and there is no evidence of aggravated sexual assault upon the victim girl. In the circumstances, 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 nature of the offence and the petitioner is under incarceration from 28.10.2022 and 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.

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

- (i) 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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore.
- (ii) The petitioner and the sureties shall affix their



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photographs and Left Thumb Impression in the surety bonds and the abovesaid 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.

27.03.2023

msr

To

- 1.The Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore
2. The Inspector of Police,  
All Women Police Station,  
Cuddalore,  
Cuddalore District.
- 3.The Public Prosecutor, High Court, Madras.
4. The Superintendent, Central Prison,  
Cuddalore.

**V.SIVAGNANAM, J.**



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