



WEB COPY



Crl.M.P.No.5694 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.5694 of 2023
in Crl.A.No.460 of 2023

Arulselvan

...

Petitioner

/vs/

The State represented by
the Inspector of Police,
AWPS, Pennagaram,
Eriyur.
(Crime No.189 of 2016)

.. Respondent

Prayer: Criminal Miscellaneous Petition filed under section 389(i) of Cr.P.C., to suspend the sentence imposed on the petitioner / appellant in Judgment dated 09.01.2023 passed in Special Sessions Case No.10 of 2017 on the file of the Sessions Judge, Fast Track Mahila Court, Dharmapuri and enlarge the petitioner on bail, pending disposal of the above appeal.

For Petitioner

... Mr.K.R.Samratt

For Respondent

... Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence, dated 09.01.2023 awarded against the petitioner in Special Sessions Case No.10 of 2017 on the file of the Sessions Judge, Fast



Track Mahila Court, Dharmapuri and enlarge the petitioner on bail, pending disposal of the above appeal.

2. The petitioner, who is the A1 in Special Sessions Case No.10 of 2017 is convicted and sentenced by the trial court, by its judgment dated 09.01.2023 as follows;

<i>Petitioner's Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Accused /A1	U/s.363 IPC	To undergo three year RI and a fine of Rs.5,000/-, in default in payment of fine, to undergo 2 months SI
	U/s.5(1), r/w.Sec.6 of POCSO Act	To undergo 10 years RI and a fine of Rs.10,000/-, in default in payment of fine, to undergo 6 months SI

3. Aggrieved over the Judgment of conviction and sentence imposed on the petitioner/A1 in Special Sessions Case No.10 of 2017, the petitioner has filed the present criminal appeal, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. The learned counsel for the petitioner submitted that there are arguable points in this Criminal Appeal. The petitioner is in judicial custody and hence, prayed for suspension of sentence.



WEB COPY

5. Heard the learned counsel for the petitioner and learned Additional Public Prosecutor and perused the complaint, FIR and evidence of victim girl and other material evidence available on record.

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. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

7. 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 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;



WEB COPY



Crl.M.P.No.5694 of 2023

V.SIVAGNANAM, J.

vum

(iii) The petitioner shall appear before the trial Court as and when required.

24.04.2023
(2/2)

vum

To

1. The Sessions Judge, Fast Track Mahila Court, Dharmapuri
2. The Inspector of Police,
AWPS, Pennagaram, Eriyur
3. The Public Prosecutor, High Court, Madras.
4. The Superintendent, Central Prison,
Vellore.

Crl.M.P.No.5694 of 2023
in Crl.A.No.460 of 2023