



Crl.MP No.5290 of 2023 in
Crl.A.No.415 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM

THE HONOURABLE Mr. JUSTICE V.SIVAGNANAM

Crl.M.P.No.5290 of 2023

in

Crl.A.No.415 of 2023

Mani @ Ranganathan

... Petitioner

Vs.

The State rep by
Inspector of Police,
Kirumampakkam Police Station,
Puducherry
(Crime No.73 of 2013)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 374(2) Cr.P.C. to suspend the execution of the sentence passed in Special Sessions Case No.7 of 2020, dated 07.03.2023 on the file of the Special Judge, Puducherry, against the petitioner pending disposal of the above appeal.

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For Petitioner : Mr.S.Vijayakumar

For Respondent : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence of imprisonment imposed on the petitioner in Special Sessions Case No.7 of 2020, dated 07.03.2023 on the file of the Special Judge, Puducherry.

2.The Trial Court, by judgment dated 07.03.2023 passed in Spl.Sessions Case No.7 of 2020 convicted and sentenced the petitioner as extracted hereunder.



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Rank of the accused	Conviction under Section	Sentence
Sole Accused	Section 12 of POCSO Act 2012	The accused shall undergo rigorous imprisonment for 2 years and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for 3 months.
	Section 324 of I.P.C	The accused shall undergo simple imprisonment for 1 year.
	Section 323 of I.P.C	The accused shall undergo simple imprisonment for 3 months.

However, the petitioner was acquitted from the offence under Section 506(ii) IPC.

3. Aggrieved by the judgment of conviction and sentence, the petitioner in Special Sessions Case No.7 of 2020, has filed the present criminal appeal, along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. Challenging the conviction and sentence slapped by the Trial Court, the petitioner is before this Court.



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5.The learned counsel for the petitioner submitted that the judgment of the Court below is contrary to law, weight of evidence and probabilities of the case. He would further submit that there are arguable points in this Criminal 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.

6.Heard the learned counsel for the petitioner and learned Public Prosecutor (Puducherry) appearing for the respondent and perused the materials available on record.

7.The petitioner has raised substantial grounds in the Criminal Appeal which require detailed appraisal. Further, the Criminal Appeal is not likely to be taken up in the near future. In such view of the



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WEB COPY matter, 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 substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the learned Special Judge, Puducherry 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), along with two sureties, each for a like sum, to the satisfaction of the learned Special Judge, Puducherry
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;



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

18.04.2023
(1/2)

srn

To

1. The Special Judge, Puducherry
2. The Inspector of Police,
Kirumampakkam Police Station,
Puducherry
3. The Public Prosecutor(Puducherry),
High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

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