



Crl.MP No.5998 of 2023 in
Crl.A.No.483 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2023

CORAM

THE HONOURABLE Mr. JUSTICE V.SIVAGNANAM

Crl.M.P.No.5998 of 2023
in Crl.A.No.483 of 2023

Ravi @ Dhanapal

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Mettupalayam Police Station,
Puducherry
(Crime No.36 of 2021)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed as against the petitioner in the judgment dated 16.03.2023 in Spl.S.C.No.46 of 2021 on the file of the Special Judge under POCSO Act, 2012 at Puducherry pending disposal of the criminal appeal and enlarge the petitioner on bail.



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Crl.MP No.5998 of 2023 in
Crl.A.No.483 of 2023

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

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Special Judge under POCSO Act, Puducherry, in S.C.No.46 of 2021, vide judgement dated 16.03.2023.

2.The Trial Court, by judgment dated 16.03.2023 in S.C.No.46 of 2021 convicted and sentenced the petitioner as extracted hereunder.

Rank of the accused	Conviction under Section	Sentence
Sole Accused	294(b) I.P.C	To undergo simple imprisonment for 1 month
	324 of I.P.C	To undergo rigorous imprisonment for 6 months
	354 of I.P.C	To undergo rigorous imprisonment for 1 year and also to pay a fine of Rs.1,000/-, in default to undergo



Crl.MP No.5998 of 2023 in
Crl.A.No.483 of 2023

Rank of the accused	Conviction under Section	Sentence
		simple imprisonment for 3 months
	Section 12 of POCSO Act	To undergo rigorous imprisonment for 2 years and to pay a fine of Rs.1,000/- in default, to undergo simple imprisonment for 3 months.

3.Challenging the judgment of conviction and sentence, the petitioner preferred the present Criminal Appeal along with the instant petition, seeking to suspend the sentence of imprisonment.

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. He would further submit that there are arguable points in this Appeal and the petitioner has every chance to succeed in this Criminal Appeal. He further submitted that already, the petitioner has paid the fine amount and hence, prayed for suspension of sentence till the disposal of this Criminal Appeal.



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Crl.MP No.5998 of 2023 in
Crl.A.No.483 of 2023

5.Heard the learned counsel for the petitioner and learned Public Prosecutor (Puducherry) appearing for the respondent and perused the materials 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 substantive sentence of imprisonment alone is suspended and the petitioner shall surrender before the Special Judge under POCSO Act, Puducherry within



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Crl.MP No.5998 of 2023 in
Crl.A.No.483 of 2023

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 Special Judge under POCSO Act, 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;
- (iii) The petitioner shall appear before the trial Court as and when required.

27.04.2023
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To

1. The Special Judge under POCSO Act, Puducherry.

5 of 7



Crl.MP No.5998 of 2023 in
Crl.A.No.483 of 2023

WEB COPY

2. The Inspector of Police, Mettupalayam Police Station,
Puducherry
3. The Public Prosecutor, High Court of Madras, Chennai.



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Crl.MP No.5998 of 2023 in
Crl.A.No.483 of 2023

V.SIVAGNANAM, J.,

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Crl.M.P.No.5998 of 2023
in
Crl.A.No.483 of 2023

27.04.2023

(2/2)