



Crl.M.P.No.6912 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HON'BLE MR. JUSTICE **A.A.NAKKIRAN**

Crl.M.P.No.6912 of 2023

in

Crl.A.No.553 of 2023

Rajesh

... Petitioner/Appellant

Vs.

State by Inspector of Police,
All Woman Police Station-Avinashi,
Tiruppur District.
(Crime No.2 of 2021)

... Respondent

Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleaded to suspend the sentence of imprisonment imposed by the Judgment dated 26.04.2022 made in Spl.S.C.No.25 of 2021 on the file of the Mahila Court (Sessions Judge full in-charge) of Tiruppur and enlarge the petitioner on bail pending the disposal of the above Criminal Appeal.

For Petitioner : Mr.N.S.Sivakumar

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side)



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence, imposed by the learned Sessions Judge (full in-charge), Mahila Court, Tiruppur, vide judgment in Spl.S.C.No.25 of 2021 dated 26.04.2022.

2. The conviction and sentence imposed against the petitioner/appellant is as follows:-

<i>Under Section</i>	<i>Sentence</i>
5(1) read with Section 6 of the POCSO Act, 2012	twenty years of rigorous imprisonment with a fine of Rs.10,000/- in default to undergo one year rigorous imprisonment.
7 read with Section 8 of the POCSO Act, 2012	five years of rigorous imprisonment with a fine of Rs.5,000/- in default to undergo six months rigorous imprisonment.
366 of IPC	ten years of rigorous imprisonment with a fine of Rs.10,000/- in default to undergo six months rigorous imprisonment.
9 of the Prohibition of Child Marriage Act, 2006	two years of rigorous imprisonment with a fine of Rs.5,000/- in default to undergo three months rigorous imprisonment.



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3. According to the learned counsel for the petitioner/appellant, there are arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the petitioner/appellant has got a fair chance of succeeding in the Criminal Appeal and hence, the sentence imposed against the petitioner/appellant may be suspended and the petitioner/appellant may be enlarged with bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent submitted that the prosecution has proved the case beyond reasonable doubts and the trial Court on finding the petitioner/appellant guilty, convicted him as stated above. Therefore, he vehemently opposed for grant of suspension of sentence.

5. Heard the learned counsel for the petitioner/appellant and Government Advocate (Criminal Side) appearing for the respondent and perused the materials on record.



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6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner/appellant, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, suspension of sentence and bail are granted, on the following conditions :-

- i. The petitioner/appellant shall execute bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge (full in-charge), Mahila Court, Tiruppur.
- ii. The petitioner/appellant shall appear before the Trial Court once in a month i.e., first working day of every English Calendar month at 10.30 a.m., until further orders.

7. The Criminal Miscellaneous Petition is ordered accordingly.

18.05.2023

arb/Jeni



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To
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1. The learned Sessions Judge (full in-charge),
Mahila Court, Tiruppur.
2. The Inspector of Police,
All Woman Police Station,
Avinashi, Tiruppur District.
3. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

arb/Jeni

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in

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