



WEB COPY



*Crl.M.P.No.19743 of 2022 in
Crl.A.No.1303 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 02.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.19743 of 2022 in
Crl.A.No.1303 of 2022

Dhanush

... Petitioner

Vs.

State, rep. by the Inspector of Police,
Mandharakuppam Police Station,
Virudhachalam Taluk.
Crime No.290/2021

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Criminal Procedure Code, pleaded to suspend the sentence imposed in Spl.S.C.No.65 of 2021 dated 09.06.2022 on the file of the Special Court (POCSO Cases), Cuddalore and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.T.Gnana Banu

For Respondent : Mr.C.E.Pratap,
Government Advocate (Crl. Side)

ORDER



*Crl.M.P.No.19743 of 2022 in
Crl.A.No.1303 of 2022*

WEB COPY

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in Spl.S.C.No.65 of 2021, vide judgement dated 09.06.2022, pending disposal of the Criminal Appeal.

2. The petitioner(A1) and his father and mother (A2 and A3 respectively) are the accused in Spl.S.C.No.65/2021 on the file of the Special Court under POCSO Act, Cuddalore. The Trial Court, vide judgment dated 09.06.2022, has convicted the petitioner (A1) for the offence under Section 7 r/w 8 of POCSO Act, 2012, and sentenced him to undergo 5 years Rigorous Imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo 1 month simple imprisonment. However, the Trial Court, acquitted the petitioner(A1) and A2 and A3 from the offences punishable under Sections 294(b) and 506(i) IPC.

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

4. The learned counsel for the petitioner submitted that there are



*Crl.M.P.No.19743 of 2022 in
Crl.A.No.1303 of 2022*

WEB COPY

arguable points in this Criminal Appeal. He further submitted that already the petitioner paid the fine amount and now, he is custody and hence, prayed for suspension of sentence.

5. Heard the learned Government Advocate(Crl. side) appearing for the respondent and perused the impugned judgment and the materials on record.

6. Taking into consideration of the above submission of the learned counsels appearing on both sides, this Court finds that the petitioner has substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner ***shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Special Judge, Special Court for POCSO Cases, Cuddalore.***

(ii) The petitioner and the sureties shall affix their photographs and



*Crl.M.P.No.19743 of 2022 in
Crl.A.No.1303 of 2022*

WEB COPY

Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

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

02.01.2023

(1/2)

Index: Yes/No
Internet: Yes/No
mst

To

- 1.The Special Judge, Special Court under POCSO Act, Cuddalore.
- 2.The Superintendent, Central Prison, Cuddalore.
- 3.The Public Prosecutor, High Court, Madras.



WEB COPY



*Crl.M.P.No.19743 of 2022 in
Crl.A.No.1303 of 2022*

V.SIVAGNANAM, J.

mst

**Crl.M.P.No.19743 of 2022 in
Crl.A.No.1303 of 2022**

**02.01.2023
(1/2)**