



WEB COPY



*Crl.MP.No.16108 of 2022 in
Crl.A.No.1147 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 27.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.16108 of 2022 in
Crl.A.No.1147 of 2022**

Balasubramani

... Petitioner

Vs.

The State,
rep. by the Inspector of Police,
Perumanallur Police Station,
Tiruppur.
(Crime No.616/2021)

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C to suspend the sentence of imprisonment imposed on the petitioner/accused by the learned Sessions Judge, Mahalir Neethi Mandram (Fast Track Mahila Court) Tiruppur, vide judgement dated 28.06.2022 made in Spl.S.C.No.54 of 2021 and release him on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.S.Arivazhagan

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



*Crl.MP.No.16108 of 2022 in
Crl.A.No.1147 of 2022*

WEB COPY

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner/Sole Accused by the Trial Court in Spl.S.C No.54 of 2021, vide judgement dated 28.06.2022, pending disposal of the Criminal Appeal.

2. The learned Sessions Judge, Mahalir Neethi Mandram (Fast Track Mahila Court) Tiruppur, vide judgement dated 28.06.2022 passed in Spl.S.C.No.54 of 2021 convicted and sentenced the petitioner, as extracted hereunder.

Conviction under Section	Sentence
Sections 366(A) of IPC	Five years Rigorous Imprisonment and to pay a fine of Rs.500/-, in default, to undergo three months simple imprisonment.
Sec.5(1) r/w 6 of POCSO Act	20(Twenty) years Rigorous Imprisonment and to pay a fine of Rs.1000/-, in default, to undergo three months simple imprisonment.
Sec.9 of Prohibition of Child Marriage Act, 2006	Two years Rigorous Imprisonment and to pay a fine of Rs.500/-, in default, to undergo three months simple imprisonment.

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.MP.No.16108 of 2022 in
Crl.A.No.1147 of 2022*

WEB COPY

arguable points in this Criminal Appeal. He further submitted that the petitioner is in custody from 07.07.2021 to 29.10.2021 and thereafter 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. Considering the incarceration suffered by the petitioner and also taking into consideration of the above submission of the learned counsel 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction***



*Crl.MP.No.16108 of 2022 in
Crl.A.No.1147 of 2022*

**of the learned Sessions Judge, Mahalir Neethi Mandram (Fast Track
Mahila Court) Tiruppur.**

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

**27.01.2023
(1/2)**

Index:Yes/No
Internet:Yes/No
raa

To

1.The Sessions Judge, Mahalir Neethi Mandram (Fast Track Mahila Court)
Tiruppur,

2.The Superintendent, Central Prison, Coimbatore.

3.The Public Prosecutor, High Court, Madras.



WEB COPY



*Crl.MP.No.16108 of 2022 in
Crl.A.No.1147 of 2022*

V.SIVAGNANAM, J.

raa

**Crl.M.P.No.16108 of 2022 in
Crl.A.No.1147 of 2022**

27.01.2023

(1/2)