



WEB COPY



Crl.M.P.No.14202 of 2023
in Crl.R.C.No.1264 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

Crl.M.P.No.14202 of 2023 in
Crl.A.No.976 of 2023

Raja

...Petitioner

Vs.

The State Rep. by,
the Inspector of Police,
Jalagandapuram Police Station,
Salem District.

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. praying to suspend the sentence imposed on the petitioner by the learned Sessions Judge, Principal POCSO Court, Salem in Spl.S.C.No.166 of 2019, dated 31.07.2023.

For Petitioner : Mr.C.Sivanesan

For Respondent : Mr.S.Sugendran,
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous petition is filed seeking suspension of sentence imposed by the learned Sessions Judge, Principal POCSO Court, Salem in Spl.S.C.No.166 of 2019 on 31.07.2023 and to enlarge the petitioner on bail.



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2. The petitioner is an accused in Spl.S.C.No.166 of 2019 before the learned Sessions Judge, Principal POCSO Court, Salem and he was convicted and sentenced on 31.07.2023 as follows:

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1	Section 366 I.P.C.	Rigorous imprisonment for a period of ten years and to pay a fine of Rs.1,000/-, in default, to undergo Rigorous imprisonment for one year.

4. Mr.C.Sivanesan, learned counsel for the petitioner, relying on the evidence of P.W.2, contended that there are arguable points in the Criminal Revision and hence, he prayed for suspension of sentence.

5. Mr.S.Sugendran, learned Additional Public Prosecutor appearing for the respondent did not raise any serious objection for granting suspension of sentence to the revision petitioner.

6. This Court perused the evidence of P.W.2.

7. Considering the evidence given by P.W.2 the victim girl, this criminal miscellaneous petition is allowed and the sentence imposed on the



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petitioner is suspended and bail is granted to the petitioner, however, subject to the following conditions:

- i. The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Sessions Judge, Principal POCSO Court, Salem;
- ii. the sureties shall affix their photographs and Left Thumb Impression on the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- iii. The petitioner shall appear before the respondent Police everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the Criminal Revision Petition and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

08.09.2023

(2/2)

vum



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R.HEMALATHA, J.

vum

To

1. The Sessions Judge,
Principal POCSO Court, Salem.
- 2.The Inspector of Police,
Jalagandapuram Police Station,
Salem District.
3. The Superintendent of Police,
Central Prison, Salem.

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