



Crl. M.P. No.13033 of 2023
in Crl.A.No.909 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

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

Crl.M.P.No.13033 of 2023
in Crl.A. No.909 of 2023

Jaiganesh

...Petitioner

vs.

State Rep. by
The Inspector of Police,
All Women Police Station,
Avadi.

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. praying to suspend the sentence imposed in Spl.S.C.No.35/2016 dated 29.09.2022 by the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Thiruvallur and enlarge the petitioner on bail pending disposal of the above appeal.

For Petitioner : Mr.R.Vijayaraghaven

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



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ORDER

This criminal miscellaneous petition is filed seeking suspension of sentence imposed by the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Thiruvallur in Spl.S.C.No.35/2016 dated 29.09.2022 and to enlarge the petitioner on bail.

2. The petitioner is the accused in Spl.S.C.No.35/2016 before the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Thiruvallur and he was convicted and sentenced on 29.09.2022 as under:

<i>S.No.</i>	<i>Offences under which convicted</i>	<i>Sentence</i>
1.	Section 366 IPC	Rigorous Imprisonment for a period of seven years and to pay a fine of Rs.2,000/-, in default, to undergo simple imprisonment for six months.
2.	Section 4 of POCSO Act, 2012	Rigorous Imprisonment for a period of seven years and to pay a fine of Rs.2,000/-, in default, to undergo simple imprisonment for six months.

The aforesaid sentences were ordered to run concurrently.



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4. The learned counsel for the petitioner contended that the victim was actually 19 years and that both the victim and the accused, who is aged 26 years, were in love with each other. However, the trial court came to a conclusion that the victim was 15 years old and convicted and sentenced the accused as stated above. Therefore, he prayed for suspension of sentence as there are substantial points which require to be decided by this Court in the Crl.A.No.909/2023 filed by the accused.

5.Learned Additional Public Prosecutor did not raise any serious objection to grant the relief of suspension of sentence.

6. Considering the facts and circumstances of the case, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail with the following conditions.



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- i. The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Thiruvallur.
- 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 appeal 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.

30.08.2023
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R.HEMALATHA, J.
mtl

To

1.State Rep. by
The Inspector of Police,
All Women Police Station,
Avadi.

2.The Sessions Court, Mahalir Neethimandram, Fast Track Mahila Court,
Thiruvallur.

3.The Central Prison, Puzhal.

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