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Crl.M.P.No.14965 of 2  
in Crl.A.No.1021 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

CORAM

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

**Crl.M.P.No.14965 of 2023 in**  
**Crl.A.No.1021 of 2023**

Elangovan

...Petitioner

Vs.

The State Rep. by  
the Inspector of Police,  
Tiruttani All Women Police Station,  
Tiruvallur.  
(Crime No.5/2021)

...Respondent

**PRAYER:** Criminal Miscellaneous Petition filed under Section 398(1) Cr.P.C.  
praying to suspend the sentence imposed in Spl.S.C.No.48 of 2022, dated  
13.09.2023 passed by the learned Sessions Judge, Magalir Neethi Mandram  
(Fast track Mahila Court), Tiruvallur.

For Petitioner : Mr.R.Vivekananthan

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, Magalir Neethi Mandram



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(Fast track Mahila Court), Tiruvallur in Spl.S.C.No.48 of 2022 on 13.09.2023 and to enlarge the petitioner on bail.

2. The petitioner is an accused in Spl.S.C.No.48 of 2022 on the file of the Sessions Judge, Magalir Neethi Mandram (Fast track Mahila Court), Tiruvallur and he was convicted and sentenced on 13.09.2023 as follows:

| <b><i>S.No.</i></b> | <b><i>Provision under which convicted</i></b>                 | <b><i>Sentence</i></b>                                                                                                                         |
|---------------------|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| 1                   | Section 12 of POCSO Act, 2012                                 | Rigorous imprisonment for a period of three years and to pay a fine of Rs.20,000/-, in default, to undergo Simple imprisonment for six months. |
| 2                   | Section 67 of IT Act                                          | Rigorous imprisonment for a period of three years and to pay a fine of Rs.20,000/-, in default, to undergo Simple imprisonment for six months. |
| 3                   | Section 4 of Tamilnadu Prohibition of Harassment of Women Act | Rigorous imprisonment for a period of three years and to pay a fine of Rs.15,000/-, in default, to undergo Simple imprisonment for six months. |

3. Aggrieved over the said Judgment and orders, the present petitioner / accused has filed the Criminal Appeal in Crl.A.No.1021 of 2023 along with this present criminal miscellaneous petition seeking suspension of sentence.



4. Mr.R.Vivekananthan, learned counsel for the petitioner contended that the accused and the victim girl were in love with each other and the age of the accused is only 21 years while the age of the victim is 17 years. The learned counsel for the petitioner, relying on the deposition of P.W.2, contended that there are arguable points in the Criminal Appeal 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 petitioner.

6. Considering the evidence of P.W.2, the victim girl, this criminal miscellaneous petition is allowed and the sentence imposed on the petitioner is suspended and the petitioner is enlarged on 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, Magalir Neethi Mandram (Fast track Mahila Court), Tiruvallur;



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- 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 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.

**19.09.2023**

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1.The Sessions Judge, Magalir Neethi Mandram  
(Fast track Mahila Court), Tiruvallur

2. The Inspector of Police,  
Tiruttani All Women Police Station,  
Tiruvallur.

3. The Superintendent of Police,  
Central Prison, Puzhal.

**R.HEMALATHA, J.**

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