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*Crl.MP No.19196 of 2022 in
Crl.A.No.1273 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 31.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.MP No.19196 of 2022 in
Crl.A.No.1273 of 2022

Ashok Kumar

... Petitioner

Vs.

1. State rep by: the Inspector of Police,
All Women Police Station,
Sethiyathopu, Cuddalore District.

2. The Deputy Superintendent of Police,
Sethiyathopu, Cuddalore District.

3. Malliga

... Respondents

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C to suspend the sentence dated 06.10.2022 imposed in Spl.Sessions Case No.18/2022 on the file of the Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore and to enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.N.U.Prasanna

For Respondents 1 &2 : Mr.C.E.Pratap,
Government Advocate (Crl. Side)

For 3rd respondent : Mr.P.G.Thiyagu

ORDER



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This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in S.C.No.18/2022, vide judgment dated 06.10.2022, pending disposal of the Criminal Appeal.

2. The learned learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore, vide judgment dated 06.10.2022 passed in S.C.No.18/2022 convicted and sentenced the petitioner, as extracted hereunder.

Conviction under Section	Sentence
Sec.9(m) & 10 of POCSO Act	7 years Rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo 3 months simple imprisonment.

However, the Trial Court, acquitted the petitioner from the offences punishable under Sections 3(1)(w)(i), 3(1)(w)(ii) of SC/ST (POA) Act.

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



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arguable points in this Criminal Appeal. He further submitted that, the petitioner is aged 57 years and he is in judicial custody from 06.10.2022 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 submission made by the learned counsel appearing on both sides, and also taking into account the incarceration suffered by the petitioner, 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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore.***



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(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.

31.01.2023

(1/2)

Index:Yes/No
Internet:Yes/No
mst

To

- 1.The Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act,Cuddalore.
- 2.The Superintendent, Central Prison, Cuddalore.
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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Crl.A.No.1273 of 2022**

31.01.2023

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