



*Crl.M.P.No.19865 of 2022 in
Crl.A.No.1310 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 02.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.19865 of 2022 in
Crl.A.No.1310 of 2022

Dhanapal

... Petitioner

Vs.

State, rep. by Inspector of Police,
Yethapur Police Station,
Salem District,
Crime No.31/2017

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) r/w 439 of Criminal Procedure Code, pleased to suspend the sentence imposed in the judgment dated 30.08.2022 passed in Spl.SC No.205 of 2019 on the file of the Sessions Judge, Principal POCSO Court, Salem and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.R.Nalliyappan

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

ORDER



*Crl.M.P.No.19865 of 2022 in
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This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in Spl.S.C.No.205/2019, vide judgement dated 30.08.2022, pending disposal of the Criminal Appeal.

2. The learned Sessions Judge, Principal POCSO Court, Salem, by judgment dated 30.08.2022 in Spl.SC No.205/2019, convicted the petitioner for the offence under Sections 11(i) r/w 12 and Section 7 r/w 8 of POCSO Act, 2012, and sentenced him as extracted hereunder.

Conviction under Section	Sentence
Section 11(i) r/w 12 of POCS Act, 2012	Rigorous imprisonment for 3 years and to pay a fine of Rs.2,000/-, in default, Rigorous imprisonment for 1 year.
Section 7 r/w 8 of POCSO Act	Rigorous imprisonment for 5 years and to pay a fine of Rs.3,000/-, in default, to undergo Rigorous imprisonment for 2 years.

The Trial Court ordered the above sentence to run concurrently.

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.M.P.No.19865 of 2022 in
Crl.A.No.1310 of 2022*

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arguable points in this Criminal Appeal. He further submitted that already the petitioner paid the fine amount and now, he is custody 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. Taking into consideration of the above submission of the learned counsels 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.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Principal POCSO Court, Salem.***

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



*Crl.M.P.No.19865 of 2022 in
Crl.A.No.1310 of 2022*

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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.

02.01.2023

(1/2)

Index: Yes/No
Internet: Yes/No
mst

To

- 1.The Sessions Judge, Principal POCSO Court, Salem.
- 2.The Superintendent, Central Prison, Coimbatore.
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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**02.01.2023
(1/2)**