



*Crl.MP No.19123 of 2022 in
Crl.A.No.1257 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 01.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.MP No.19123 of 2022 in
Crl.A.No.1257 of 2022

S.Ganesh

... Petitioner

Vs.

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

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C to suspend the sentence imposed by judgment dated 25.08.2022 made in Spl.S.C.No.5/2019 passed by the learned Sessions Judge, Special Court (POCSO Act Cases), Cuddalore and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.P.Palaninathan

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

ORDER

This petition has been filed to suspend the sentence imposed on the



*Crl.MP No.19123 of 2022 in
Crl.A.No.1257 of 2022*

WEB COPY

petitioner by the Trial Court in Spl.S.C.No.5/2019, vide judgment dated 25.08.2022, pending disposal of the Criminal Appeal.

2. The learned learned Sessions Judge, Special Court (POCSO Act Cases), Cuddalore, vide judgment dated 25.08.2022 passed in Spl.S.C.No.5/2019 convicted and sentenced the petitioner, as extracted hereunder.

Conviction under Section	Sentence
Sec.450 IPC	10 years Rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months simple imprisonment.
Sec.506(2) IPC	7 years Rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo 3 months simple imprisonment.
Sec.3 &4 of POCSO Act	7 years Rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo 3 months simple imprisonment.

The Trial Court, ordered the above sentence of imprisonments to run concurrently.

3. Aggrieved by the above judgment of conviction and sentence passed by the Trial Court, the petitioner filed the present Criminal appeal along with



*Crl.MP No.19123 of 2022 in
Crl.A.No.1257 of 2022*

WEB COPY

the instant petition to suspend the sentence and to grant bail to the petitioner.

4. The learned counsel for the petitioner submitted that there are arguable points in this Criminal Appeal. He further submitted that the PW1/victim, during her cross examination, admitted that her father gave a false complaint against the petitioner/accused and only as per the instructions given by her father, she gave statement before the Magistrate. He further submitted that, now, the petitioner is in judicial custody and hence, prayed for suspension of sentence.

5. Heard the counsel for the petitioner and the learned Government Advocate(Crl. side) appearing for the respondent and I have perused the impugned judgment and the materials on record.

6. Considering the evidence of PW1 and the submission made by the learned counsel appearing for both sides, this Court is of the view that the petitioner has substantial grounds in this Criminal Appeal and the oral and documentary evidence adduced before the Trial Court require detailed appraisal by this Court. Further, taking into account the incarceration suffered by the petitioner, this Court is inclined to grant suspension of



*Crl.MP No.19123 of 2022 in
Crl.A.No.1257 of 2022*

WEB COPY 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court (POCSO Act Cases), Cuddalore.*

(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.

01.02.2023

(2/2)

Index:Yes/No
Internet:Yes/No
mst

To



*Crl.MP No.19123 of 2022 in
Crl.A.No.1257 of 2022*

WEB COPY

- 1.The Sessions Judge, Special Court (POCSO Act Cases),Cuddalore.
- 2.The Superintendent, Central Prison, Cuddalore.
- 3.The Public Prosecutor, High Court, Madras.



WEB COPY



*Crl.MP No.19123 of 2022 in
Crl.A.No.1257 of 2022*

V.SIVAGNANAM, J.

mst

**Crl.M.P.No.19123 of 2022 in
Crl.A.No.1257 of 2022**

01.02.2023

(2/2)