



Crl.M.P.No.62 of 2023 in Crl.A.No.5 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.M.P.No.62 of 2023

in

Crl.A.No.5 of 2023

Murugan @ Murugesan @ Selvam

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
W-20, All Women Police Station,
Saidapet, Chennai.
(D.I.Crime No.1179 of 2014)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) r/w 439 of Cr.P.C. to suspend the sentence imposed against the petitioner/appellant in Spl.S.C.No.93 of 2021 dated 12.04.2022 by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, release the petitioner on bail pending disposal of the above appeal.



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For Petitioner : Mr.K.Selvakumaraswami

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

ORDER

The petitioner, who is the accused in Spl.S.C.No.93 of 2021 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, seeks suspension of his sentence of imprisonment.

2. The Trial Court, by its judgment dated 12.04.2022, acquitted the accused from the charges under Sections 294(b) and 506(ii) IPC and convicted him for the offences punishable under Sections 10 of POCSO Act and 352 IPC and sentenced him as under:

Conviction under Section	Sentence
10 of POCSO Act, 2012	Imprisonment for 5 years with a fine of Rs.5,000/-, in default, to undergo Simple imprisonment for one month.
352 IPC	Imprisonment for 3 months



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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 arguable points in this Appeal. He further submitted that the petitioner is under 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.



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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, Chennai.*

(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.

05.01.2023

rpl

To

1. The Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai.

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2. The Superintendent, Central Prison, Puzhal, Chennai.

3. The Inspector of Police,
W-20, All Women Police Station,
Saidapet, Chennai.

4. The Public Prosecutor,
High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

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