



Crl.M.P.No.58 of 2023 in Crl.A.No.4 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.58 of 2023

in

Crl.A.No.4 of 2023

Sathiyaraj

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Nellikuppam Police Station,
Cuddalore District.
(Crime No.1433 of 2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) r/w of Cr.P.C. to suspend the execution of the sentence against the petitioner/accused by the Spl.S.C.No.22 of 2021 on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore dated 30.08.2022 and enlarge the petitioner on bail, pending disposal of this appeal.



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For Petitioner : Mr.P.Muthamizh Selvakumar

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

ORDER

The petitioner, who is the accused in Spl.S.C.No.22 of 2021 on the file of the learned Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore, seeks suspension of his sentence of imprisonment.

2. The Trial Court, by its judgment dated 30.08.2022, convicted the accused for the offence punishable under Sections 366 IPC and Section 7 and 8 of POCSO Act, and sentenced him as under:

Conviction under Section	Sentence
366 IPC	Rigorous Imprisonment for 10 years with a fine of Rs.1,000/-, in default, to undergo Simple imprisonment for 3 months.
7 and 8 of POCSO Act	Rigorous Imprisonment for 5 years with a fine of Rs.1,000/-, in default, to undergo Simple 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.

7. Accordingly, it is ordered as follows.



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(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 Special Court for Exclusive Trial of Cases under POCSO Act, 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.

05.01.2023

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To

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1. The Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore.
2. The Superintendent, Central Prison, Cuddalore.
3. The Inspector of Police,
Nellikuppam Police Station,
Cuddalore District.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

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