



Crl.M.P.No.157 of 2023 in Crl.A.No.15 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2023

CORAM

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

Crl.M.P.No.157 of 2023

in

Crl.A.No.15 of 2023

A.Chandrasekaran

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
All Women Police Station,
Dharmapuri,
Dharmapuri District.
(Crime No.3 of 2016)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence imposed in the judgment dated 09.09.2022 made in Special S.C.No.16 of 2016 on the file of the learned Sessions Judge, Fast Track Mahila Court, Dharmapuri pending disposal of the above criminal appeal.

For Petitioner

: Mr.N.Manoharan



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

ORDER

The petitioner, who is the accused in Spl.S.C.No.16 of 2016 on the file of the Sessions Judge, Fast Track Mahila Court, Dharmapuri, seeks suspension of his sentence of imprisonment.

2. The Trial Court, by its judgment dated 09.09.2022, acquitted the accused from the charges under Sections 9(c), 9(f) & 9(m) r/w. Section 10 (4 counts) of POCSO Act and convicted him for the offences punishable under Sections 9(c), 9(f) & 9(m) r/w. Section 10 (1 count) of POCSO Act and sentenced him as under:

Conviction under Section	Sentence
9(c), 9(f) & 9(m) r/w. Section 10 (4 counts) of POCSO Act	Rigorous Imprisonment for 5 years with a fine of Rs.10,000/-, in default, to undergo Simple imprisonment for six month.



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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 fine amount has been paid and the petitioner is under custody. 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 Sessions Judge, Fast Track Mahila Court, Dharmapuri.*

(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.

09.01.2023

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To

1. The Sessions Judge, Fast Track Mahila Court, Dharmapuri.
2. The Superintendent, Central Prison, Vellore.
3. The Inspector of Police,
All Women Police Station,

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Dharmapuri,
Dharmapuri District.

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



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V.SIVAGNANAM, J.,

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