



Crl.M.P.No.20173 of 2022 in Crl.A.1337 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 04.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.20173 of 2022 in
Crl.A.No.1337 of 2022

K.Ajith

... Petitioner

Vs.

The Inspector of Police,
All women Police Station, Ariyalur District,
Crime No.09/2020

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. to suspend the sentence imposed in judgment dated 15.09.2022 in Spl.S.C. No.46 of 2020 on the file of the Fast Track Mahila Court (District and Sessions Court), Ariyalur and enlarge the appellant on bail pending disposal of the appeal.

For Petitioner : Mr.P.Venkatesulu

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

ORDER

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court in Spl.S.C.No.46 of 2020, vide Judgment dated 15.09.2022, pending disposal of the Criminal Appeal.



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2. The petitioner (A1) and one Sudha (A2) are the accused persons in Spl.S.C.No.46/2020 on the file of the District and Sessions Court, Fast Track Mahalir Court, Ariyalur. The Trial Court, by judgment dated 15.09.2022 convicted and sentenced the petitioner, as extracted hereunder.

Conviction under Section	Sentence
Section 6 of POCSO Act	Rigorous imprisonment for 20 years and to pay a fine of Rs.50,000/-, in default, to undergo 2 years simple imprisonment.
Section 366 IPC	Rigorous Imprisonment for 3 years and to pay fine of Rs.10,000/-, in default, to undergo 3 months simple imprisonment.
Section 9 of Prohibition of Child Marriage Act	Rigorous Imprisonment for 1 year and to pay a fine of Rs.10,000/-, in default, to undergo 1 month simple imprisonment.

The above sentences were ordered to run concurrently. Further, the Trial Court ordered to pay a sum of Rs.2,00,000/- as compensation to the victim, within 30 days from the date of judgment, less a sum of Rs.50,000/-, already paid as interim compensation. The Trial Court, acquitted A2 from the offence under Section 366(A) IPC and Section 6 r/w 17 of POCSO Act.

3. Challenging the conviction and sentence slapped by the Trial Court the petitioner/A1 is before this Court.



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4. The learned counsel for the petitioner submitted that there are 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***



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thousand only) with two sureties each for a like sum to the satisfaction of the learned District and Sessions Judge, Fast Track Mahila Court, Ariyalur.

(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.

04.01.2023

(1/2)

Index:Yes/No
Internet:Yes/No
mst

To

- 1.The District and Sessions Judge, Fast Track Mahila Court, Ariyalur.
- 2.The Superintendent, Central Prison, Trichy.
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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