



Crl.M.P.No.20206 of 2023
in Crl.A.No.1654 of 2023

P.DHANABAL, J.

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This petition has been filed by the petitioner to suspend the sentence imposed on him by the Sessions Court, Principal Special Court for Exclusive Trial of Cases under the POCSO Act, Coimbatore, on 06.12.2023 and to enlarge him on bail pending disposal of the appeal.

2. The petitioner has been convicted by judgment dated 06.12.2023 passed by the Sessions Judge, Principal Special Court for Exclusive Trial of Cases under the POCSO Act, Coimbatore, in Spl.C.C.No.8 of 2021 for the offence under Section 363 IPC and was sentenced to undergo one year simple imprisonment and to pay a fine of Rs.5,000/-, in default to undergo two months simple imprisonment.

3. The learned counsel appearing for the petitioner would contend that the trial Court has convicted the petitioner for the offence under Section 363 IPC and the same is challenged in this appeal. The trial Court is totally defective since the available evidences are not sufficient to warrant conviction. The learned counsel submitted that the trial Court has granted suspension of sentence for one month from the date of judgment to the petitioner. There are sufficient grounds to allow the appeal and thereby, the sentence imposed upon the petitioner to be suspended by way of granting suspension of sentence and bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the



respondent would contend that already the trial Court found the petitioner guilty and convicted him under Section 363 IPC after considering the evidences on record. Stating so, he strongly opposed for the grant of suspension of sentence and bail to the petitioner.

5. Considering the submissions made by the learned counsel on both sides and further considering the sentence imposed upon the petitioner and also taking note of the fact that the petitioner has been granted suspension of sentence by the trial Court, this Court is inclined to grant suspension of sentence alone on the following conditions:

(i)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 Sessions Court, Principal Special Court for Exclusive Trial of Cases under the POCSO Act, Coimbatore.

(ii) the petitioner shall appear before the respondent / police on every Saturday at 10.30 a.m.

29.12.2023

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