



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Second day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.1805 of 2023

IN

CRL A(MD) No.88 of 2023

ASHOK KUMAR

... PETITIONER/APELLANT

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO. 272 OF 2018

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed on the petitioner by the judgment dated 22.12.2022 made in Spl Case No. 171 of 2019 on the file of the Special Court for POCSO Act cases, Tirunelveli and enlarge the petitioner on bail pending disposal of the above criminal appeal.

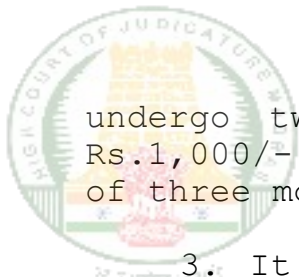
PRAYER IN CRL A(MD) No.88/2023:

Pleased to call for the records relating to the Judgment dated 22.12.2022 made in Spl.Case.No.171 of 2019 on the file of the Special Court for POCSO Act Cases, Tirunelveli and set aside the same and the acquit the appellant.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.ANGUSAMY.V, Advocate for the petitioner and of Mr.B.NAMBISELVAN, Additional Public prosecutor on behalf of the Respondent, While admitting the CRL.A., the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Special Judge for POCSO Act Cases, Tirunelveli, dated 22.12.2022 in Spl. Case No.171 of 2019 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

2.The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned Special Judge, for the alleged offence under Section 366 of IPC and sentenced him to



undergo two years Rigorous Imprisonment and to pay a fine of Rs.1,000/- in default to undergo Rigorous Imprisonment for a period of three months.

3. It is submitted by the learned counsel for the petitioner that even before the judgment of said conviction and sentence, the petitioner and the victim have got married, also begotten a child and they are living together.

4. The learned Additional Public Prosecutor would submit that the above said marriage between the petitioner and the victim girl has been verified and is true.

5. Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the submission of the learned counsel for the petitioner, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal 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 Judge for POCSO Act Cases, Tirunelveli, and on further condition that the petitioner shall appear before the said Court once in a week at 10.30 a.m. pending appeal.

sd/-

02/02/2023

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02/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

1 THE SPECIAL JUDGE FOR POCSO ACT CASES, TIRUNELVELI.

2 THE INSPECTOR OF POLICE
TIRUNELVELI TOWN POLICE STATION, TIRUNELVELI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL MP(MD) No.1805 of 2023

IN CRL A(MD) No.88 of 2023

Date :02/02/2023

SA/SSS/SAR. /02.02.2023/2P/4C

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