



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

Tuesday, the Twenty First day of February Two Thousand and Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.2998 of 2023

IN

CRL A(MD) No.141 of 2023

CHELLADURAI @ DURAI

... PETITIONER/APPELLANT

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE,
VATTATHIKOTTAI POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.170 OF 2017)

... 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 of Imprisonment imposed in Spl.Case No.80 of 2019 (Old SSC.No.16 of 2018) on the file of the learned Principal Special Court for Exclusive Trial of cases under POCSO Act), Thanjavur in dated 24.01.2023.

PRAYER IN CRL A(MD) No.141 of 2023:-

To set aside the judgement and conviction dated 24.01.2023 made in Spl. Case No.80 of 2019 (Old S.S.C.No.16 of 2018) on the file of the learned Principal Special Court for Exclusive Trial of cases under POCSO Act), Thanjavur and acquit the Appellant/Sole Accused.

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.DEENADHAYALAN.S, Advocate for the petitioner and of M/S.B.NAMBISELVAN, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur, dated 24.01.2023 in Spl. Case. No.80 of 2019 (old number is S.S.C.No.16 of 2018) and enlarge the petitioners on bail, pending disposal of the 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 11(i) r/w. Section 12 of POCSO Act and sentenced him to undergo 2 years rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo rigorous imprisonment for a period of three months and convicted for the offence under Section 294(b) IPC and sentenced him to undergo 2 months rigorous imprisonment and to pay a fine of Rs.5,00/- in default to undergo rigorous imprisonment for a period of two weeks and also convicted for the offence under Section 506(ii) IPC and sentenced him to undergo 2 years rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo rigorous imprisonment for a period of three months.

3. It is submitted by the learned counsel for the petitioner that the sentence was already suspended by the trial Court.

4. 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 fact the petitioner is already enlarged on bail by the trial Court, 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 Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur, 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/-
21/02/2023

/ TRUE COPY /

/02/2023

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

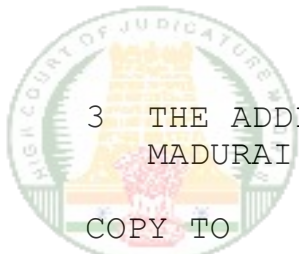
INDU

TO

1 PRINCIPAL SPECIAL COURT FOR EXCLUSIVE
TRIAL OF CASES UNDER POCSO ACT, THANJAVUR.

2 THE INSPECTOR OF POLICE,

<https://www.mhcy.org.in/> KOTTAI POLICE STATION, THANJAVUR DISTRICT.



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

COPY TO
THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.DEENADHAYALAN.S Advocate SR.No.2685(I)

ORDER
IN
CRL MP(MD) No.2998 of 2023
IN
CRL A(MD) No.141 of 2023
Date :21/02/2023

NA/VS/SAR-3/23.02.2023/3P/6C