



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



Friday, the Third day of March Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL.M.P.(MD)No.3741 of 2023

in

CRL.A.(MD)No.170 of 2023

1 RAJI
2 MUNIYAMMAL
3 MAHESH

... PETITIONERS / APPELLANTS

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.216/2019)

... 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 passed in Spl.SC.No.21/2020 dt.18/2/2023 on the file of the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur pending disposal of the above said Criminal Appeal.

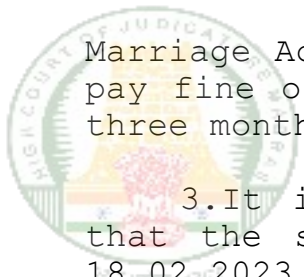
Prayer in CRL.A.(MD)No.170 of 2023:

To call for the records pertaining to the order made in Spl.SC.No.21 of 2020 dated 18.02.2023 on the file of Learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases Under POCSO Act, Thanjavur and set aside the same by allowing above appeal.

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.PORKODI KARUNAKARAN G, Advocate for the petitioner and of MR.B.NAMBI SELVAN, 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 Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur, in Spl.S.C No.21 of 2020 dated 18.02.2023 and enlarge the petitioners on bail, pending disposal of the above said Criminal Appeal.

2.The learned counsel for the petitioners submitted that the petitioners have been convicted by the learned Sessions Judge, for the alleged offence under Sections 10 of Prohibition of Child



Marriage Act, A3 to A5 are sentenced to undergo RI for one and pay fine of Rs.2000/- each in default to further undergo of three months R.I.

3.It is submitted by the learned counsel for the petitioners that the sentence was already suspended by the trial Court from 18.02.2023 to 17.04.2023.

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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 petitioners are 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 petitioners are directed to be enlarged on bail on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Thanjavur, and on further condition that the petitioners shall appear before the said Court once in a month i.e. first working day of every english calender month at 10.30 a.m. pending appeal.

sd/-

03/03/2023

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/03/2023

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

TO

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

2 THE INSPECTOR OF POLICE
AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT.

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

+1. C.C. to M/S.PORKODI KARUNAKARAN G Advocate SR.No.3353.

ORDER

IN

CRL.M.P. (MD) No.3741 of 2023
in

CRL.A. (MD) No.170 of 2023

Date :03/03/2023

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<https://www.mhc tn.gov.in/judis>

MR/SRN/SAR 2 (09.03.2023) 2P 5C