



Crl.M.P.(MD) No.11203 of 2023

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

Friday, the Fourth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

Crl.M.P.(MD) No.11203 of 2023
in
Crl.A.(MD) No.659 of 2023

VIJAY

... PETITIONER/ APPELLANT

Vs

THE INSPECTOR OF POLICE
NATHAM POLICE STATION,
NATHAM,DINDIGUL DISTRICT,
CRIME NO.966/2020

... 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 in the above Spl.SC.No.59 of 2023 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Dindigul dated 04.07.2023 and release the petitioner on bail pending disposal of the above Criminal Appeal.

Prayer in Crl.A.(MD) No.659 of 2023:

To call for records and set aside the Judgment and conviction passed by the learned Sessions Judge, Special Court for Exvlusive Trial of cases under POCSO Act, Dindigul, Dindigul District in Special .S.C No.59 of 2023 dated 04.07.2023 and acquit the appellant herein and thus render justice.

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. SARVAGAN PRABHU.S, Advocate for the petitioner and of M/S.S.RAVI, Additional Public



Crl.M.P.(MD) No.11203 of 2023

Prosecutor on behalf of the Respondent the court made the following order:-

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This petition has been filed by the petitioner to suspend the sentence by granting bail in Spl.S.C.No.59 of 2023 dated 04.07.2023, on the file of the learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Dindigul District till the disposal of the appeal.

2.The petitioned faced the trial before the learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Dindigul District for the offence under Section 363 and 5(1) r/w. 6 of POCSO Act. Thereafter, the trial Court acquitted the petitioner for the charges under Section 5(1) r/w. 6 of POCSO Act. The petitioner has been convicted by a judgment passed by the learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Dindigul District in Spl.S.C.No.59 of 2023 dated 04.07.2023 for the offence under Section 363 of IPC and was sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo three months simple imprisonment under Section 363 of IPC.

3.The learned counsel appearing for the petitioner would contend that the trial Court has convicted the petitioner for the offence under Sections 363 of IPC and the same was challenged through this appeal. The trial Court suspended the sentence in



Crl.M.P.(MD) No.11203 of 2023

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Crl.M.P.No.249 of 2023 dated 04.07.2023 for a period of one month. There are sufficient grounds to allow the appeal and thereby, the sentence imposed upon the petitioner to be suspended by way of granting bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would contend that the offences are grave in nature. Already the trial Court found the petitioner guilty and convicted the petitioner for the offence under Section 363 of IPC. He strongly oppose to grant suspension of sentence to the petitioner.

5.Considering the representation made by the learned counsel appearing for the petitioner and considering that already trial Court has suspended the sentence and granted bail and the petitioner was all along on bail during trial and considering the sentence imposed upon the petitioner, 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 learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Dindigul District



Crl.M.P.(MD) No.11203 of 2023

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(ii) the petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

sd/-
04/08/2023

/ TRUE COPY /

04/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mrn

TO

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

2 THE INSPECTOR OF POLICE
NATHAM POLICE STATION,
NATHAM, DINDIGUL DISTRICT,

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

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-11845[I] dated 04/08/2023)

ORDER
IN

CRL MP(MD) No.11203 of 2023

Date :04/08/2023

RK (04/08/2023) 4P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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