



CRL MP(MD) No.13799 of 2023

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

Friday, the Eighth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.13799 of 2023

in

CRL A(MD)No. 888 of 2023

SARAVANA KUMAR

... APPELLANT/PETITIONER

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
DINDIGUL DISTRICT.

... RESPONDENT/RESPONDENT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to enlarge him on bail by suspending the sentence imposed on him by the Sessions Judge, Fast Track Mahila Court, Dindigul in Spl.SC.No.80 of 2023, dt.8.9.2023 pending disposal of the above Criminal Appeal.

PRAYER IN CRL A(MD)No. 888 of 2023:

Pleased to call for the records and set aside the judgment made in Spl.S.C.No. 80 of 2023 by the Sessions Judge, Fast Track Mahila Court, Dindigul dated 08.09.2023.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.VENKATESH.D, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

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



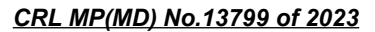
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The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence imposed on him by the learned Sessions Judge, Fast Track Mahila Court, Dindigul District, in Spl.S.C.No.80 of 2023 dated 08.09.2023 and to enlarge him on bail, pending disposal of the Criminal Appeal.

2. It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner in Crime No.22 of 2021, on the file of the respondent/Inspector of Police, All Women Police Station, Dindigul, for the offences punishable under Section 5(1), 5(j)(ii) r/w.6 of 'the Protection of Children from Sexual Offences Act, 2012' [hereinafter referred to as 'POCSO Act' for the sake of brevity] and the same was taken on file in Spl.S.C.No.80 of 2023 before the learned Sessions Judge, Fast Track Mahila Court, Dindigul. The petitioner was convicted and sentenced to undergo 20 years rigorous imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only) with six months simple imprisonment in case of default for the offence under Section 6 of POCSO Act and to undergo four years rigorous imprisonment and to pay a fine of Rs.1,000/- (Rupees One Thousand only) with three months simple imprisonment in case of default for the offence under Section 366 of IPC. Challenging the above said conviction and sentence, the petitioner has preferred the Criminal Appeal along with the present Criminal Miscellaneous Petition seeking

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



suspension

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Additional Public Prosecutor appearing for the State and perused the materials available on record.

6. This Court finds force in the submission of the learned counsel for the petitioner. Admittedly, the victim girl and the petitioner loved each other. Based on the complaint lodged by the victim's mother, a case was registered. Hence, this Court is of the prima facie view that there are arguable points involved in this Criminal Appeal. Moreover, the petitioner has been incarcerated from 08.09.2023 and further the Criminal Appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Sessions Judge, Fast Track Mahila Court, Dindigul, in Spl.S.C.No.80 of 2023 dated 08.09.2023 alone is suspended, subject to the following stringent conditions :-

i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees

Twenty Five Thousand only) with two blood sureties each for a like sum to the

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satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Dindigul;

ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

iii) The petitioner shall appear and sign before the concerned Court daily at 10.30 a.m. and 5.30 p.m., till the disposal of the appeal.

iv) The petitioner shall furnish his residential address and mobile number to the Trial Court i.e., learned Sessions Judge, Fast Track Mahila Court, Dindigul.

8. Subject to the above conditions, this Criminal Miscellaneous Petition is allowed.

sd/-
08/03/2024

/ TRUE COPY /

14/03/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RM
TO

1 THE SESSIONS JUDGE
FAST TRACK MAHILA COURT, DINDIGUL.



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- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
DINDIGUL DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.VENKATESH, Advocate (SR-2962[I] dated 08/03/2024)

ORDER
IN
CRL MP(MD) No.13799 of 2023
in
CRL A(MD)No. 888 of 2023
Date :08/03/2024

PKP/14.03.2024/ 6P/ 6C
Madurai Bench of Madras High Court is issuing certified
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