



CRL MP(MD) No.15687 of 2023

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

Wednesday, the Eighth day of November Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.15687 of 2023

in

CRL A(MD)No. 989 of 2023

LINGESAN

... APPELLANT/SOLE ACCUSED

Vs

**THE STATE REP BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KANYAKUMARI.
CRIME NO. 12 OF 2017**

... RESPONDENT/COMPLAINANT

Criminal Miscellaneous 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 and grant bail to the sole Appellant / Sole Accused against the Judgment dt. 06.10.2023 in Special S.C No. 58 of 2017 on the file of the Additional Special court for POCSO Act cases and Sessions Fast Track Mahila court, Kanyakumari at Nagercoil under section 12 of protection of child from sexual offences Act, 2012 in crime No.12 of 2017 on the file of the Respondent police pending disposal of the instant Criminal Appeal on such terms and conditions as may be deemed fit.

PRAYER IN CRL A(MD)No. 989 of 2023:

To call for the records of the judgment dated 06.10.2023 in Special S.C.No. 58 of 2017 on the file of the Additional Special for POCSO Act cases and Sessions Fast

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



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Track Mahila Court Kanyakumari at Nagercoil under section 12 of Protection of Child from sexual offences Act, 2012 in Crime No. 12 of 2017 on the file the Respondent police and set aside the same and acquit the appellant/accused.

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 MR.T. ASWIN RAJASIMMAN, Advocate for M/S.LAJAPATHI ROY AND ASSOCIATES and of MR.B.NAMBISELVAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This petition has been filed to suspend the sentence imposed on the petitioner in S.C.No.58 of 2017 on the file of the Additional Special Court for POCSO Act Cases and Sessions Fast Track Mahila Court, Kanyakumari at Nagercoil.

2. The learned counsel appearing for the petitioner submitted that the petitioner herein was convicted by the Additional Special Court for POCSO Act Cases and Sessions Fast Track Mahila Court, Kanyakumari at Nagercoil for the offence under Section 12 of POCSO Act to undergo two years of Simple imprisonment and to pay fine of Rs.1,000/- in default to undergo one month simple imprisonment in terms of 235(2) Cr.P.C., He would further submit that fine amount has already been paid by the petitioner.

3. Heard the learned counsel appearing for the petitioner and the perused the materials available on record.

4. Having regard to the fact that there are arguable points involved in the



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appeal and further, the appeal is not likely to be taken up for final hearing in the near future, 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 Additional Special Court for POCSO Act Cases and Sessions Fast Track Mahila Court, Kanyakumari at Nagercoil and on further condition that the petitioner shall appear before the said Court once in a week i.e., on every Monday at 10.30 a.m. pending appeal.

sd/-
08/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

- 1 THE SESSIONS FACT TRACK MAHILA JUDGE,
ADDITIONAL SPECIAL COURT FOR POCSO ACT CASES,
KANYAKUMARI AT NAGERCOIL.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KANYAKUMARI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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THE SECTION OFFICER,(CALL FOR RECORDS)
CRIMINAL SECTION
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.S.RAJASEKAR, Advocate (SR-16123[I] dated 09/11/2023)

ORDER

IN

CRL MP(MD) No.15687 of 2023

in

CRL A(MD)No. 989 of 2023

Date :08/11/2023

PKP/JGB/SAR- /10.11.2023/ 4P/6C

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