



WEB COPY



CrL.MP.No.2378/2024 in CrL.A.No.988 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CrL.MP.No.2378 of 2024 in CrL.A.No.988 of 2023

Chinraj

.. Petitioner

Versus

The State represented by
The Inspector of Police,
All Women Police Station, Perur,
Coimbatore.

.. Respondent

Prayer:-Criminal Miscellaneous Petition filed under Section 389[1] of Cr.P.C., to suspend the sentence awarded to the petitioner in judgment dated 28.06.2022 made in Spl. C.C.No.17 of 2019 by the Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Coimbatore, during the pendency of the appeal and enlarge the petitioners on bail.

For Petitioner : Mr.S.N.Subramani



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For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

ORDER

[Order of the Court is made by S.M.SUBRAMANIAM, J.]

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner vide judgement dated 28.06.2022 in Spl. C.C.No.17 of 2019 on the file of the Special Court for Exclusive trial of cases under POCSO Act, Coimbatore and enlarge the petitioner on bail, pending disposal of the appeal.

2. The trial Court, by a judgment dated 28.06.2022 convicted the petitioner/accused No.2 and sentenced him as under:

Rank of the accused	Conviction under Section	Sentence
A2	5[m] andand punishable under Section 6 of POCSO	Sentenced to undergo life imprisonment and a fine of Rs.20,000/-, in default, to undergo one year simple imprisonment



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Rank of the accused	Conviction under Section	Sentence
	Act	

The the period of detention already undergone by the petitioner is ordered to be set aside under 428 Cr.P.C.

3. Challenging the above said conviction and sentence, the present appeal has been filed along with this petition for suspension of sentence.

4. We have carefully gone through the evidence of the minor victim girl and the evidence of the doctor. The petitioner is undergoing imprisonment from 20.10.2021. Considering the fact that the petitioner is undergoing imprisonment for the past three years and the petitioner has raised arguable points which are deserved to be considered at the time of hearing the appeal, we are inclined to grant suspension of sentence to the petitioner.

6. Accordingly, the relief of suspension of sentence is granted to the



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petitioner on the following conditions:

(i) The substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that the petitioner ***shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five 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, Coimbatore,***

(ii) The petitioner and 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 and mobile numbers to ensure their identity.

(iii) the petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal .

7. List the criminal appeal after two weeks.

[S.M.S., J.] [V.S.G., J.]
14.10.2024



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To

1. The Sessions Judge,
Special Court for Exclusive trial of cases
under POCSO Act, Coimbatore,
2. The Inspector of Police,
All Women Police Station, Perur,
Coimbatore.
3. The Superintendent of Prison,
Central Prison, Coimbatore.
4. The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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**S.M.SUBRAMANIAM, J.
and
V.SIVAGNANAM, J.**

VRC

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in CrL.A.No.988 of 2023**

14.10.2024