



WEB COPY



Crl.MP.No.2943 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.MP.No.2943 of 2024

in

Crl.A.No.199 of 2024

P.Sathyamoorthy

...Petitioner

Vs.

The State Rep.
Inspector of Police,
Peelamedu Police Station,
Coimbatore.
Crime No.661 of 2021.

...Respondent

Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed as against the petitioner/appellant under Sections 9(I) and 9(m) punishable under Section 10 of POCSO Act, to undergo rigorous imprisonment for a period of five years and also imposed a fine of Rs.10,000/- and in default of payment of fine to undergo the simple imprisonment for a period of one year by the judgment dated 10.10.2023, passed in Special S.C.No.34 of 2022 by the learned Principal Special Court for Exclusive trial of cases under POCSO Act, Coimbatore.

For Petitioner : Mr.R.Selvakumar

For Respondent : Mrs.G.V.Kasthuri,
Additional Public Prosecutor



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ORDER

This Criminal Miscellaneous petition has been filed seeking to suspend the sentence of imprisonment imposed in Special SC.No.34 of 2022 dated 10.10.2023 on the file of the learned Principal Special Court for Exclusive trial of cases under POCSO Act, Coimbatore and to enlarge the petitioner on bail.

2. The petitioner was convicted for the offence under Sections 9(I) and 9(m) punishable under Section 10 of POCSO Act and was sentenced to undergo 5 years of rigorous imprisonment and was ordered to pay a fine of Rs.10,000/- and in default of payment of fine, to undergo simple imprisonment for another one year, vide order dated 10.10.2023 made in Special SC.No.34 of 2022. Aggrieved by the same, the above appeal has been filed along with this petition seeking suspension of sentence.

3. Learned counsel for the petitioner submitted that, the petitioner is a innocent person and he has been falsely implicated in this case. He further



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submitted that, there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable and petitioner is now confined in Central Prison, Coimbatore for more than nine months. Accordingly, he prayed for appropriate orders.

4. On the above said contentions, heard learned Additional Public Prosecutor appearing for the respondent.

5. 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 period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall appear and execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the

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satisfaction of the Special Court for Exclusive trial of cases under POCSO

Act, Coimbatore and on further condition that the petitioner shall appear

before the respondent police on every Monday at 10.30 am, pending appeal.

7. This criminal miscellaneous petition is ordered accordingly.

25.06.2024

skt

To

1. The Principal Special Court for Exclusive trial of cases under POCSO Act, Coimbatore.
2. The Additional Superintendent,
Central Prison, Coimbatore.
3. The Inspector of Police,
Peelamedu Police Station,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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M.DHANDAPANI, J.

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