



Crl.MP.No.9080 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.9080 of 2024

in

Crl.A.No.819 of 2023

Imanraj

...Petitioner

Vs.

The Inspector of Police,
Reddiarpalayam Police Station,
Mettupalayam Circle, Puducherry.
Crime No.74 of 2016.

...Respondent

Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed upon the petitioner/appellant by the Special Sessions Judge under the POCSO Act, Puducherry in SSC.No.7 of 2018 by judgment dated 20.04.2022 and enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.B.Thiyagarajan

For Respondent : Mr.M.V.Ramachandramurthy,
Additional Public Prosecutor (Pondicherry)



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ORDER

This Criminal Miscellaneous petition has been filed seeking to suspend the sentence of imprisonment imposed in SSC.No.7 of 2018 dated 20.04.2022 on the file of the Special Sessions Judge under the POCSO Act, Puducherry and to enlarge the petitioner on bail.

2. The petitioner was convicted for the offence under Section 6 of POCSO Act and section 376(2) of IPC and in respect of conviction under Section 6 of POCSO Act alone, the petitioner was sentenced to undergo ten years of rigorous imprisonment and was ordered to pay a fine of Rs.5,000/- and in default of payment of fine, to undergo simple imprisonment for another three months and no separate punishment was ordered for the offence under Section 376(2) of IPC, vide order dated 20.04.2022 made in SSC.No.7 of 2018. 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, Puducherry for more than three years. 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 Sessions Judge under the POCSO Act, Puducherry 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 Special Sessions Judge under the POCSO Act, Puducherry.
2. The Central Prison, Puducherry.
3. The Inspector of Police, Reddiarpalayam Police Station, Mettupalayam Circle, Puducherry.
4. The Public Prosecutor, High Court of Madras.

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M.DHANDAPANI, J.

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