



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 06.06.2024

CORAM

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

**Crl.M.P. No.7722 of 2024**  
**in Crl.A. No.578 of 2024**

Kesavan

... petitioner

-Vs-

The State Rep.by  
The Inspector of Police,  
Chengalpattu All Women Police Station,  
Chengalpattu District.  
Crime No.03 of 2018

... Respondent

**Prayer:** Criminal Miscellaneous Petition is filed under Section 389 (1) r/w. 439 of the Criminal Procedure Code, to suspend the sentence imposed by the learned Sessions Judge, Special Court for the Exclusive Trial of POCSO Act Cases, Chengalpattu, vide judgment dated 14.03.2024 in Spl.S.C.No.111 of 2019 and enlarge the petitioner on bail.

For petitioner : Mr.Swamisubramanian

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

**ORDER**

The Criminal Appeal has been filed as against the Judgment and sentence passed by the learned Sessions Judge, Special Court for the



Exclusive Trial of POCSO Act Cases, Chengalpattu, in Spl.S.C.No.111 of 2019, dated 14.03.2024, in and by which, the petitioner was convicted for the offence under Section 354A(2) IPC and Section 7 r/w. 8 of the Protection of Children from Sexual Offences (POCSO) Act, 2013 and sentenced to undergo two years of rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for a period of six months for the offence under Section 354A(2) IPC and to undergo five years of Rigorous Imprisonment and pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for a period of one year for the offence under Section 7 r/w.8 of the Protection of Children from Sexual Offences (POCSO) Act, 2013. The above said sentences shall run concurrently Challenging the same, the appellant has filed Criminal appeal and the present miscellaneous petition seeking suspension of sentence of imprisonment.

2. The learned counsel for the appellant has raised several arguable grounds insofar the appeal is concerned and it will take some more time for this Court to take up the criminal appeal and to dispose of the same.

3. In the facts and circumstances of the case, the Criminal



Miscellaneous Petition is ordered and the punishment of imprisonment imposed as against the appellant is hereby suspended and he is directed to be released on bail on the following conditions:

- a) the appellant shall execute a bond for a sum of Rs.10,000/- to the satisfaction of the learned Sessions Judge, Special Court for the Exclusive Trial of POCSO Act Cases, Chengalpattu, along with two sureties for a like sum;*
- b) the appellant shall report before the Court below on the first working day of every month, pending disposal of the appeal.*

4. Post the main appeal in the usual course.

**06.06.2024**

ssb

**Note: Issue order copy on 06.06.2024**



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To

1. The Inspector of Police,  
Chengalpattu All Women Police Station,  
Chengalpattu District.
2. The learned Sessions Judge, Special Court for the Exclusive Trial of  
POCSO Act Cases, Chengalpattu.
3. The Superintendent, Central Prison, Vellore.
4. The Public Prosecutor, High Court of Madras.



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**M.DHANDAPANI, J.**

ssb

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