



Crl.MP.No.9082 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.9082 of 2024

in

Crl.A.No.691 of 2023

E.Marimuthu

...Petitioner

Vs.

State By: The Inspector of Police,
Srimushnam Police Station,
Cuddalore District.

Crime No.162 of 2018.

...Respondent

Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed against the petitioner on 31.08.2021 in Special SC.No.23 of 2019 on the file of the Special Court for exclusive trial of cases under POCSO Act, Cuddalore District and release the petitioner on bail till the disposal of the criminal appeal.

For Petitioner : Mr.P.Pugalenth

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



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ORDER

WEB COPY This Criminal Miscellaneous petition has been filed to suspend the sentence of imprisonment imposed in Special SC.No.23 of 2019 dated 31.08.2021 on the file of the Special Court for exclusive trial of cases under POCSO Act, Cuddalore District and to enlarge the petitioner on bail.

2. The petitioner was convicted for the offence under Section 5(1) r/w 6 of POCSO Act and was sentenced to undergo ten years of rigorous imprisonment and was ordered to pay a fine of Rs.2,000/- and in default of payment of fine, to undergo simple imprisonment for another three months, vide order dated 31.08.2021 made in SSC.No.23 of 2019. 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 an innocent person and he has been falsely implicated in this case. He further submitted that, there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable



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and petitioner is now confined in Central Prison, Cuddalore 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 satisfaction of the Special Court for exclusive trial of cases under POCSO Act, Cuddalore District and on further condition that the petitioner shall

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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

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To

1. The Special Court for exclusive trial of cases under POCSO Act,
Cuddalore District.
2. The Central Prison,
Cuddalore.
3. The Inspector of Police,
Srimushnam Police Station,
Cuddalore District.
4. The Public Prosecutor,
High Court of Madras.

M.DHANDAPANI, J.

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