



Crl.MP.No.9257 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 27.06.2024

CORAM:

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

Crl.MP.No.9257 of 2024

in

Crl.A.No.768 of 2024

Prakash

...Petitioner

Vs.

State by the Inspector of Police,
All Women Police Station,
Vandavasi, Thiruvannamalai District.
Crime No.2 of 2021.

...Respondent

Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed against the petitioner in Spl. SC.No.34 of 2021 on the file of the learned Special Court for POCSO Act cases, Thiruvannamalai, Thiruvannamalai District dated 11.12.2023 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.E.Kannadasan

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



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ORDER

This Criminal Miscellaneous petition has been filed to suspend the sentence of imprisonment imposed in Spl.SC.No.34 of 2021 dated 11.12.2023 on the file of the Special Court for POCSO Act cases, Thiruvannamalai and to enlarge the petitioner on bail.

2. The petitioner was convicted for the offence under Section 325, 363 & 366 of IPC and Section 8 of POCSO Act 2012 and he was sentenced to undergo five years of rigorous imprisonment and was ordered to pay a fine of Rs.1,000/- and in default of payment of fine, to undergo simple imprisonment for another one year, **for each of the offence** and was not sentenced to any imprisonment in respect of conviction under Section 363 of IPC, vide order dated 11.12.2023 made in Spl.SC.No.34 of 2021. 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 innocent 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, Vellore for more than six 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, (under POCSO cases), Sessions Judge, Thiruvannamalai and on further condition that the petitioner shall appear before the respondent police on every Monday at 10.30 am, pending appeal.

7. Further, it is made clear that, during the pendency of the appeal, if the petitioner interrupts with the daily life of the victim girl, the suspension of substantive sentence of imprisonment alone granted today, shall stand automatically vacated, without any further reference to this Court.

8. This Criminal miscellaneous petition is ordered accordingly.

27.06.2024

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To
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1. The Special Court, (under POCSO cases), Sessions Judge,
Thiruvannamalai.
2. The Central Prison,
Vellore.
3. The Inspector of Police,
All Women Police Station,
Vandavasi, Thiruvannamalai District.
4. The Public Prosecutor,
High Court of Madras.



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M.DHANDAPANI, J.

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