



Crl.MP.No.14115/2024 in Crl.A.No.1454 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.10.2024

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND**

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.MP.No.14115 of 2024 in Crl.A.No.1454 of 2023

R.Vetrivel

.. Petitioner

Versus

The State represented by
The Inspector of Police,
Palladam All Women Police Station,
Palladam, Tiruppur District.

.. Respondent

Prayer:-Criminal Miscellaneous Petition filed under Section 389[1] of Cr.P.C., to suspend the sentence awarded to the petitioner in judgment dated 04.09.2023 made in Spl.S.C.No.9 of 2020 by the Sessions Judge, Mahila Court [Fast Tract Court], Tiruppur during the pendency of the appeal and enlarge the petitioners on bail.

For Petitioner : Mr.R.Karthik



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For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

ORDER

[Order of the Court is made by S.M.SUBRAMANIAM, J.]

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner vide judgement dated 04.09.2023 in Spl.S.C.No.9 of 2020 by the Sessions Judge, Mahila Court [Fast Tract Court], Tiruppur and enlarge the petitioner on bail, pending disposal of the appeal.

2. The trial Court, by a judgment dated 04.09.2023 convicted the petitioner/accused No.2 and sentenced him as under:

Rank of the accused	Conviction under Section	Sentence
A2	5[1] and 5[j] [ii] of POCSO Act	Sentenced to life imprisonment and a fine of Rs.7500/-, in default, to undergo 6 months rigorous imprisonment

The petitioner was acquitted for the offence under section 506[ii] IPC and



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the period of detention already undergone by the petitioner is ordered to be set aside under 428 Cr.P.C.

3. Challenging the above said conviction and sentence, the present appeal has been filed along with this petition for suspension of sentence.

4. We have carefully gone through the evidence of the minor victim girl, who gave evidence after attaining majority. As far as accused No.1 Soundarapandian is concerned, DNA test taken from the baby was not matched. Thus A2 was fixed as an accused. We have gone through the facts and circumstances which led to the conviction of the petitioner and the petitioner has raised arguable points which are deserved to be heard while hearing the appeal and considering the period of incarceration of the petitioner for the past more than one year, we are inclined to grant suspension of sentence to the petitioner.

6. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:



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(i) The substantive sentence of imprisonment alone is suspended and the petitioner is are directed to be enlarged on bail on condition that the petitioner *shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, [Fast Track Court], Tiruppur.*

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity.

(iii) the petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal .

7. List the criminal appeal after two weeks.

[S.M.S., J.] [V.S.G., J.]
14.10.2024

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To

1. The Sessions Judge,
Mahila Court, [Fast Tract Court], Tiruppur.
2. The Inspector of Police,
Palladam All Women Police Station,
Palladam, Tiruppur District.
3. The Superintendent of Prison,
Central Prison, Coimbatore.
4. The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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**S.M.SUBRAMANIAM, J.
and
V.SIVAGNANAM, J.**

VRC

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in Crl.A.No.1454 of 2023**

14.10.2024