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Crl.M.P.No.17026 of 2023
in Crl.A.No.1190 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.17026 of 2023
in Crl.A.No.1190 of 2023

Murugan

... Petitioner

Vs.

The Inspector of Police,
All Women Police Station,
Villupuram.
(Crime No.17 of 2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Code of Criminal Procedure, to suspend the sentence imposed on the petitioner by the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Villupuram in Spl.S.C.No.98 of 2020 dated 21.12.2022 and enlarge the petitioner on bail, pending disposal of the appeal.

For Petitioner : Mr.T.Saravanan

For Respondent : Dr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed in the judgment, dated 21.12.2022 in Spl.S.C.No.98 of 2020 passed by the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Villupuram.

2.It is the case of the prosecution is that while the victim was playing in the street in front of her house, the petitioner with an intention to commit sexual assault took the victim to her house and after closing the door had committed sexual assault by touching the chest of the child and while he attempted to remove the undergarment, the child cried and ran away.

3.The petitioner was convicted and sentenced to undergo two years years simple imprisonment and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for the offence under Section 451 IPC, to undergo one month simple imprisonment for the offence under



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Section 341 IPC and to undergo five years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo three months simple imprisonment for the offence of Section 9(m) r/w. 10 of Protection of Children from Sexual Offences Act (POCSO Act).

4.The learned counsel appearing for the petitioner would submit that the allegations are false and that in any case, the petitioner had served four years of sentence out of five years of imprisonment imposed by the Trial Court.

5.Heard the learned Government Advocate (Crl. Side) appearing on behalf of the respondent.

6.Considering the period of incarceration and the fact that the appeal is not likely to be taken in near future, this Court is inclined to grant the relief of suspension of sentence.

7.Accordingly, this criminal miscellaneous petition stands allowed



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and the sentence imposed on the petitioner, is suspended till the disposal of the criminal appeal and he is ordered to be released on bail on the following conditions:

(i)The petitioner shall 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 learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Villupuram;

(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 further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.



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To

- 1.The Sessions Judge,
Special Court for exclusive trial of
cases under POCSO Act,
Villupuram.
- 2.The Inspector of Police,
All Women Police Station,
Villupuram.
- 3.The Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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