



Crl.M.P.No.15443 of 2024 in Crl.A.No.1349 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.15443 of 2024
in Crl.A.No.1349 of 2024

Ravikumar ... Petitioner/Sole Accused

Vs.

The State Rep. by
The Inspector of Police,
Chettipalayam Police Station,
Coimbatore District.
(Cr.No.278/2022) ... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389 (1) Cr.P.C., to suspend the sentence imposed in Spl.S.C.No.34 of 2023 dated 08.05.2024 on the file of the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.V.Illanchezian

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

ORDER

This Criminal Miscellaneous Petition has been filed seeking to



suspend the sentence imposed on the petitioner/accused by judgment and order dated 08.05.2024 passed in Spl.S.C.No.34 of 2023 on the file of the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore and to enlarge the petitioner on bail pending disposal of the appeal.

2. The case of the prosecution is that the victim was staying along with a few known persons including her father and the petitioner; that on 10.08.2022 at about 8.00 p.m., the petitioner gave biscuits to the victim girl, took her to an isolated place and touched the private part of the victim.

3. The petitioner was convicted and sentenced by the trial Court as follows:

Offence under Section	Sentence imposed
9(m) r/w 10 of POCSO Act	To undergo RI for five years and to pay a fine of Rs.5,000/-, in default to undergo SI for one year.
451 of IPC	To undergo RI for two years and to pay a fine of Rs.1,000/-, in default to undergo SI for three months.
The sentences are ordered to run concurrently.	

4. Heard Mr.V.Illanchezian, learned counsel for the petitioner and



Mr.C.E.Pratap, learned Government Advocate (Crl. Side) appearing for the respondent/State.

5. The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated on account of previous enmity; that the complaint was lodged only on the next day; that the other inmates of the room viz., PW3 and PW4 turned hostile; that there are arguable points in the above appeal; that the petitioner is in custody from 08.05.2024 and therefore, the sentence imposed on the petitioner may be suspended.

6. The learned Government Advocate (Crl.Side) *per contra* submitted that the prosecution had established its case beyond reasonable doubt; that the trial Court was right in convicting the petitioner; and that the petitioner has not made out any ground for suspension of sentence, hence, prayed for dismissal of the petition .

7. The petitioner is in custody from 08.05.2024 and has been sentenced to five years of rigorous imprisonment for the offences under Section 9(m) r/w 10 of the POCSO Act.



8. Considering the above, the submissions made by the learned counsel for the petitioner; that there are arguable points in the appeal, which requires consideration; the fact that the petitioner is in custody from 08.05.2024 and that the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner.

9. Accordingly, this criminal miscellaneous petition stands **allowed**. The sentence imposed on the petitioner is suspended and the petitioner 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/-, with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Principal Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore;
- (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 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



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the trial Court on any other day in lieu of the date of his
absence, as directed by the trial Court.

19.11.2024

ars

Issue order copy by 21.11.2024

Upload the order copy forthwith.



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SUNDER MOHAN, J.

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- To
1. The Sessions Judge,
Principal Special Court for Exclusive Trial of Cases under POCSO Act,
Coimbatore
 2. The Inspector of Police,
Chettipalayam Police Station,
Coimbatore District.
 3. The Superintendent of Prisons,
Central Prison, Coimbatore.
 4. The Public Prosecutor
Madras High Court.

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