



Crl.M.P.No.18911 of 2023 in Crl.A.No.1426 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.18911 of 2023
in Crl.A.No.1426 of 2023

Abisheik

... Petitioner/Sole Accused

Vs.

The State Rep. by
The Inspector of Police,
North Police Station,
Tiruppur, Tiruppur District.
(Cr.No.1606/2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389 (1) Cr.P.C., to suspend the sentence imposed in Spl.S.C.No.49 of 2020 dated 02.09.2023 on the file of the learned Sessions Judge, Mahalir Needhimandram (Fast Track Mahila Court), Tiruppur and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.C.S.Saravanan

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 02.09.2023 passed in Spl.S.C.No.49 of 2020 on the file of the learned Sessions Judge, Mahalir Needhimandram (Fast Track Mahila Court), Tiruppur, and to enlarge the petitioner on bail pending disposal of the appeal.

2. (i) The case of the prosecution is that the petitioner and the victim were in a love affair; that on 10.07.2020 at about 4.30 p.m., the petitioner kidnapped the victim and is alleged to have forcibly hugged and kissed her.

3. The petitioner, was convicted by the trial Court for the offence under Sections 7 and 8 of the POCSO Act and Section 366 (A) of the IPC and sentenced as follows:

Offence under Section	Sentence imposed
7 & 8 of POCSO Act	To undergo RI for three years and to pay a fine of Rs.1,000/-, in default to undergo RI for three months.
366 IPC	To undergo RI for three years and to pay a fine of Rs.1,000/-, in default to undergo RI for three months.
The sentences are ordered to run concurrently.	

4. Heard Mr.C.S.Saravanan, learned counsel for the petitioner and Dr.C.E.Pratap, learned Government Advocate (Crl.Side) appearing for



the respondent/State.

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5. The learned counsel appearing for the petitioner would submit that the allegation is false; that there is absolutely no evidence to establish the prosecution case; that the complaint was lodged at the instance of PW2-father of the victim, who was inimical towards the petitioner; that there are substantial grounds raised in the appeal; that the sentence of imprisonment was suspended by the trial Court; 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 proved its case beyond reasonable doubt and therefore, opposed the petition for suspension of sentence.

7. The petitioner has raised several arguable points in the above appeal. Therefore, considering the above, the nature of the offences and the period of sentence of imprisonment imposed on the petitioner and the fact 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.



8. Accordingly, this criminal miscellaneous petition stands **allowed**. The sentence imposed on the petitioner is suspended 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, Mahalir Needhimandram (Fast Track Mahila 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; and
- (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 the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

14.11.2024

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SUNDER MOHAN, J.

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- To
- 1.The Sessions Judge,
Mahalir Needhimandram (Fast Track Mahila Court),
Tiruppur.
 2. The Inspector of Police,
North Police Station, Tiruppur,
Tiruppur.
 3. The Public Prosecutor,
Madras High Court.

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