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Crl.M.P.No.15006 of 2024 in Crl.A.No.1315 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.15006 of 2024
in Crl.A.No.1315 of 2024

Ramachandran ... Petitioner/Sole Accused
Vs.

The State Rep. by
The Inspector of Police,
W-10 All Women Police Station,
M.K.B.Nagar, Chennai.
(Cr.No.31/2021) ... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 of BNSS, to suspend the sentence imposed in Spl.S.C.No.73 of 2022 dated 08.10.2024 on the file of the learned Sessions Judge, Special Court for Exclusive Trial cases under POCSO Act, Chennai, and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.T.Naveen Chandar
For Respondent : Mr.V.J.Priyadarsana
Government Advocate (Crl. Side)
assisted by Ms.A.Shahana Fathima

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner/accused by judgment and



order dated 08.10.2024 passed in Spl.S.C.No.73 of 2022 on the file of the learned Sessions Judge, Special Court for Exclusive Trial cases under POCSO Act, Chennai, and to enlarge the petitioner on bail pending disposal of the appeal.

2. It is the case of the prosecution that petitioner was running a Mechanic shop next to the house of the defacto complainant; that during the early hours of 10.11.2021, the defacto complainant found her daughter/victim, aged 16 years was missing; that thereafter, she saw the victim coming from the petitioner's mechanic shop; that on enquiry the victim stated that the petitioner/accused used to call her several times to his shop and sexually assaulted her; that the petitioner had threatened her with dire consequences if she disclosed the same to anyone else;

3. The petitioner, who is the sole accused in the above Sessions Case, was convicted and sentenced as follows:

Offence under Section	Sentence imposed
8 of POCSO Act	To undergo imprisonment for three years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for one month.
366 of IPC	To undergo imprisonment for three years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for one month.



Sentences were ordered to run concurrently.

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4. Heard Mr.T.Naveen Chandar, learned counsel for the petitioner and Mr.V.J.Priyadarsana, learned Government Advocate (Crl.Side) appearing for the respondent/State.

5. Considering the evidence on record, the submissions of the learned counsel for the petitioner, the fact that the petitioner has raised substantial grounds in the appeal and that the sentence imposed upon the petitioner, has been suspended by the trial Court till 08.11.2024 and also 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.

6. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence of imprisonment is **suspended** and 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



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the learned Sessions Judge, Special Court for Exclusive Trial cases under POCSO Act, Chennai;

- (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.

05.11.2024

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Issue order copy by 07.11.2024
Upload the order copy forthwith.



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To

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SUNDER MOHAN, J.

ars

- 1.The Sessions Judge, Special Court for Exclusive Trial
cases under POCSO Act.
Chennai
2. The Inspector of Police,
W-10 All Women Police Station,
M.K.B.Nagar, Chennai.
- 3.The Public Prosecutor,
Madras High Court.

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