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Crl.M.P.No.15342 of 2024 in Crl.A.No.1340 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.15342 of 2024
in Crl.A.No.1340 of 2024

Ramesh

... Petitioner/Sole Accused
Vs.

The State Rep. by
The Inspector of Police,
All Women Police Station,
Tirupur-South, Tirupur City.
(Cr.No.4/2022)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389[1] of Cr.P.C., to suspend the sentence imposed in Spl.S.C.No.66 of 2022 dated 07.10.2024 on the file of the learned Sessions Judge, Fast Track Mahila Court, Tirupur, and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner : Mr.P.M.Duraiswamy
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



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order dated 07.10.2024 passed in Spl.S.C.No.66 of 2022 on the file of the learned Sessions Judge, Fast Track Mahila Court, Tirupur, and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who is the sole accused in the above Sessions Case, was convicted for the offence under Section 7 r/w 8 of POCSO Act and sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for six months.

3. Heard Mr.P.M.Duraiswamy, learned counsel for the petitioner and Mr.V.J.Priyadarsana, learned Government Advocate (Crl.Side) appearing for the respondent/State.

4. The sentence of imprisonment was suspended by the trial Court till 07.11.2024. The petitioner has raised substantial grounds which have to be adjudicated in the appeal.

5. Considering the above 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.

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6. Accordingly, this criminal miscellaneous petition stands **allowed** 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 the learned Sessions Judge, Fast Track Mahila Court, Tirupur;
- (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.

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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,
Fast Track Mahila Court, Tirupur.
2. The Inspector of Police,
All Women Police Station,
Tirupur-South, Tirupur City.
- 3.The Public Prosecutor,
Madras High Court.

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