



CRL MP(MD) No.1863 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.1863 of 2024

in

CRL A(MD) No.466 of 2023

GANESH KUMAR

... Appellant / Sole Accused

Vs

THE INSPECTOR OF POLICE
RAILWAY POLICE STATION,
KARUR DISTRICT.

... Respondent / Complainant

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence imposed against the Petitioner in Spl.SC.No.11 of 2023 dt.9.5.2023 passed by the Learned Additional Sessions Judge(Fast Track Mahila Court),Karur and enlarge the Petitioner on bail pending disposal of the above Appeal.

Prayer in CRL A(MD) No.466 of 2023:

To call for the records in Spl.S.C.No.11 of 2023 dated 09.05.2023 passed by the learned Additiona Sessions Judge (Fast Track Mahila Court), Karur and to set aside the same.



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Order : This criminal miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.KARUPPASAMY PANDIYAN G, Advocate for the appellant and of Mr.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, while admitting the criminal appeal, the court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence imposed on him by the learned Additional Sessions Judge, (Fast Track Mahila Court) Karur, in Spl.SC.No.11 of 2023 dated 09.05.2023 and to enlarge him on bail, pending disposal of the Criminal Appeal.

2. It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner in Crime No.8 of 2023 on the file of the respondent/Inspector of Police, Railway Police Station, Karur, Karur District, for the offences punishable under Section 10 of POCSO Act. After completion of investigation, the case was taken on file in Spl.S.C.No.11 of 2023 before the learned Additional Sessions Judge (Fast Track Mahila Court), Karur, Karur District. The petitioner was convicted and sentenced to undergo imprisonment for 5 years and to pay a fine of Rs.1,000/- (Rupees One Thousand only) with six months simple imprisonment in case of default for the offence under Section 10 of POCSO Act.



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Challenging the same, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

3. The learned counsel for the petitioner submitted that there was a wordy quarrel between the petitioner and the victim's mother in respect of occupying seats in the train. He further submitted that in view of the said quarrel, a false case has been foisted against the petitioner. Hence, he prays for suspending the sentence imposed on him.

4. Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor submitted that the petitioner is the sole accused in this case and he is in custody pursuant to the confirmation of conviction by the Sessions Court and he opposed to grant suspension of sentence to the petitioner.

5. Heard the learned counsel on either side and perused the materials available on record.

6. This Court finds force in the submission of the learned counsel for the petitioner. Considering the facts and circumstances of the case, this Court prima facie feels that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.



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7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned Additional Sessions Judge, (Fast Track Mahila Court) Karur, in Spl.SC.No.11 of 2023 dated 09.05.2023 alone is suspended, subject to the following conditions:-

i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional Sessions Judge, (Fast Track Mahila Court) Karur.

ii) The petitioner shall appear and sign before the learned Additional Sessions Judge, (Fast Track Mahila Court) Karur, on the 1st and 15th working day of every English calendar month at 10.30 a.m., until further orders.

iii) In case, if the petitioner is unable to appear before the Court on the 1st and 15th working day of a month, he shall appear on the next working day.

iv) The petitioner shall furnish his residential address and mobile number to the Trial Court ie., learned Additional Sessions Judge, (Fast Track Mahila Court) Karur, in Spl.SC.No.11 of 2023.

v) The petitioner is directed to pay the fine amount immediately as



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directed by the Court below.

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8. Subject to the above conditions, this Petition is allowed.

sd/-
01/03/2024

/ TRUE COPY /

06/03/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM

To

1.The Additional Sessions Judge,
(Fast Track Mahila Court),
Karur.

2.The Inspector of Police,
Railway Police Station,
Karur District.

3.The Superintendent,
Central Prison,
Trichy.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai. (2 copies)



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+1 CC to M/s.G.KARUPPASAMY PANDIYAN, Advocate (SR-2624[I] dated
01/03/2024)

ORDER
IN
CRL MP(MD) No.1863 of 2024
in
CRL A(MD) No.466 of 2023
Date :01/03/2024

ED/ /SAR- (06/03/2024) 6P / 8 C

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