



Crl.M.P(MD).No.4727 of 2024

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

Thursday, the Twenty Fifth day of April Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

Crl.M.P(MD).No.4727 of 2024

in

Crl.A(MD)No.373 of 2024

A.SARAVANAN

... PETITIONER/ APPELLANT/
SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ODDANCHATRAM,
DINDINGUL DISTRICT.
CRIME NO.15 OF 2021.

... RESPONDENT/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 in Spl.SC.No.125 of 2023 dt.12.12.2023 by the Learned Sessions Judge, Fast Track Mahila Court, Dindigul and enlarge the Petitioner on bail pending disposal of main Criminal Appeal.

Prayer in Crl.A(MD)No.373 of 2024:

To call for the records and to set aside the conviction and sentence passed in Spl.S.C.No.125 of 2023 dated 12.12.2023 by the learned Sessions Judge, Fast Track Mahila Court, Dindigul.

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 MR.V.MUTHU KAMATCHI, Advocate for the petitioner and of



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MR.R.M.ANBUNITHI, Additional Public Prosecutor on behalf of the Respondent, while admitting the Criminal Appeal, the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence of imprisonment, imposed by the learned Sessions Judge, Fast Track Mahila Court, Dindigul vide judgment in S.C.No.125 of 2023, dated 12.12.2023 and to enlarge the petitioner/appellant pending disposal of the Criminal Appeal.

2. The conviction and sentence imposed against the petitioner / appellant is as follows:-

Under Section	Sentence
Section 366 of IPC	Rigorous imprisonment for four years to pay a fine of Rs.1,000/- in d/f to undergo three months Simple Imprisonment.
Section 6 of POCSO Act, 2012.	Rigorous imprisonment for 20 years to pay a fine of Rs.3,000/- in default to undergo three months Simple Imprisonment and the sentence will run concurrently

<https://www.mhc.tn.gov.in/> 3. The learned counsel for the petitioner / appellant would submit that



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there are arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the petitioner/appellant, have got a fair chance of succeeding in the Criminal Appeal and the sentence imposed against the petitioner/appellant, may be suspended and he may be enlarged on bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the prosecution has proved the case beyond reasonable doubts and the trial Court on finding the petitioner / appellant guilty convicted him as stated above. Therefore, he vehemently opposed for grant of suspension of sentence.

5. Heard the learned counsel for the petitioner / appellant and the learned Additional Public Prosecutor appearing for the respondent and perused the materials on record.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner / appellant, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, suspension of sentence and bail are granted, on the following conditions :-



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(i) The petitioner / appellant shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Dindigul;

(ii) The petitioner / appellant shall appear before the concerned trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders;

7. The Criminal Miscellaneous Petition is ordered accordingly.

sd/-
25/04/2024

/ TRUE COPY /

26/04/2024
Sub-Assistant Registrar (CO)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss

TO

1. THE SESSIONS JUDGE,FAST TRACK MAHILA COURT,DINDIGUL



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2.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ODDANCHATRAM,
DINDINGUL DISTRICT.

3.THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate (SR-4894[I] dated 25/04/2024)

ORDER
IN
Crl.M.P(MD).No.4727 of 2024
in
Crl.A(MD)No.373 of 2024
Date :25/04/2024

RK (26/04/2024) 5P / 6C
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