



CRL MP(MD) No.7331 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Tuesday, the Twentieth day of August Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.7331 of 2024
in
CRL A(MD)No.611 of 2024

SANKAR GANESH

... APPELLANT/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
AWPS, TALLAKULAM,
MADURAI CITY,
CRIME NO. 9/2020

... 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 of Imprisonment imposed by the learned Principal Special court for Exclusive trial of cases, under POCSO Act, Madurai in Spl S.C No. 26 of 2020 by the Judgment dt. 22.06.2024 and enlarge the petitioner / Appellant on bail, pending disposal of the above said Criminal Appeal.

PRAYER in CRL A(MD)No.611 of 2024:

To call for the records and set aside the Judgment and Conviction dated 22.06.2024 by the Learned Principal Special Court for Exclusive Trial of Cases, Under POCSO Act, Madurai in Spl.S.C.No.26 of 2020 and acquit the Appellant.

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.BISMILLA KHAN M, Advocate for the petitioner and of Mr.M.SAKTHI KUMAR, Government Advocate(Crl.side) on behalf of the Respondent, the Court made the following order:-



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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the Principal Special Court for Exclusive trial of cases under POCSO Act, Madurai, dated 22.06.2024, in Spl.S.C.No.26 of 2020 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

2.The learned counsel for the petitioner submitted that the petitioner was convicted by the learned trial judge, for the alleged offence under Section 11(i) of the Protection of Children from Sexual Offences Act 2012 read with Section 12 of the Protection of Children from Sexual Offences Act, 2012 and sentenced him to undergo three years rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo six months simple imprisonment. Set off under Section 428 Cr.P.C. is also ordered.

3. It is submitted by the learned counsel for the petitioner that the sentence was already suspended by the trial Court till 19.07.2024, by order dated 22.06.2024 in CrI.M.P.No.2916 of 2024.

4. Having regard to the fact that there are arguable points involved in the



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appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the fact the petitioner are already enlarged on bail by the trial Court, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that the petitioner 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 Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai and on further condition that the petitioner shall appear before the said Court once in a week on every Monday at 10.30 a.m. pending appeal.

sd/-
20/08/2024

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/08/2024

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

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TO

1 THE PRINCIPAL SPECIAL JUDGE
FOR EXCLUSIVE TRIAL OF CASES, UNDER POCSO ACT,
MADURAI.



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2 THE INSPECTOR OF POLICE
AWPS, TALLAKULAM, MADURAI CITY

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

ORDER
IN
CRL MP(MD) No.7331 of 2024
in
CRL A(MD)No.611 of 2024
Date :20/08/2024

SS/JGB/SAR- /23/08/2024/4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023