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Crl.M.P.No.1400 of 2025
in
Crl.A.No.132 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.M.P.No.1400 of 2025

in

Crl.A.No.132 of 2025

Prakash
S/o.Thulukanam

....Petitioner

Vs

1. State rep by.
The Deputy Superintendent of Police,
Tiruvannamalai District,
Crime No.118 of 2022.

2. The Inspector of Police,
Chetpet Police Station,
Tiruvannamalai District.

3. Mariyammal.

.... Respondents

Prayer: Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023, to suspend the sentence in Spl.S.C.No.63 of 2022 dated 05.12.2024 on the file of the Special Court for POCSO Cases, Tiruvannamalai and in Crime No.118 of 2022 on the file of the respondent police at Tiruvannamalai and release on bail pending Criminal Appeal.

For Petitioner(s) : Mr.S.Dhanasekar



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For Respondent(s) : Ms.G.V.Kasthuri
Additional Public Prosecutor
for R1 and R2

ORDER

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner in Spl.S.C.No.63 of 2022 dated 05.12.2024 on the file of the Special Court for POCSO Cases, Tiruvannamalai and in Crime No.118 of 2022 on the file of the respondent-Police at Tiruvannamalai and release him on bail, pending disposal of Criminal Appeal.

2. The petitioner/appellant, who was arrayed as accused in Spl.S.C.No.63 of 2022 on the file of the Special Court for POCSO Cases, Tiruvannamalai, was found guilty and convicted and sentenced for the offence under Section 354(1)(i) IPC and Section 12 of the Protection of Children for Sexual Offences Act 2012 [hereinafter referred to as 'POCSO Act'] to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.5,000/-, in default, to undergo six months simple imprisonment; for the offence under Section 8 of POCSO Act to undergo rigorous imprisonment for a period of five years and to pay a



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fine of Rs.5,000/-, in default, to undergo one year simple imprisonment; and also for the offence under Sections 3(1)(w)(i) of SC/ST (POA) Act to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.5,000/-, in default, to undergo six months simple imprisonment. Now the present petition is filed to suspend the sentence and enlarge the petitioner on bail, till the disposal of the main appeal.

3. Heard both sides and perused the materials available on record.

4. Considering the facts and circumstances of the case and also considering the fact that the offences committed by the petitioner are serious in nature, this Court is not inclined to suspend the sentence at this stage and the main appeal will be taken up for consideration. Hence, the miscellaneous petition is dismissed.

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Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

1. The Sessions Judge,
Special Court for POCSO Cases,
Tiruvannamalai.
2. The Deputy Superintendent of Police,
Tiruvannamalai District.
3. The Inspector of Police,
Chetpet Police Station,
Tiruvannamalai District.
4. The Superintendent of Prison,
Central Prison, Vellore.
5. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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