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*Crl.M.P.No.1384 of 2024
in Crl.A.No.126 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.1384 of 2024
in
Crl.A.No.126 of 2024

Chandramouli

... Petitioner /Accused

Vs.

State

At the instance of
Katterikuppam Police Station,
Puducherry.
(Crime No.48 of 2022)

... Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 389(1) of Cr.P.C. praying to suspend the sentence pronounced in Judgment dated 26.12.2023 in Special Session Case No.168 of 2023 on the file of Sessions Judge, Fast Track Court Exclusively to deal with offences under the POCSO Act at Puducherry, pending disposal of the appeal and enlarge the petitioner on bail.

For Petitioner : Mr.S.Xavier Felix

For Respondent : Mr.A.V.Ramachandramurthy
Additional Public Prosecutor (Puducherry)
Assisted by
Mr.A.Alexander,
Government Advocate (Puducherry)



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the judgment dated 26.12.2023 passed in Spl.S.C.No.168 of 2023 by the learned Sessions Judge, Fast Track Court Exclusively to deal with offences under the POCSO Act, Puducherry, pending disposal of the above criminal appeal and enlarge the petitioner on bail.

2. It is the case of the prosecution that on 28.07.2022, while the victim was sleeping inside the house with her parents, the petitioner entered the house at 12.30 a.m. through the main door, which was kept open and removed the pant and shirt of victim girl, touched her genital part and pinched her chest and thus committed the offence under Section 10 of the POCSO Act and Sections 323 and 451 of I.P.C.

3. The petitioner/Accused in Spl.S.C.No.168 of 2023 was convicted by the Trial Court by the judgment dated 26.12.2023 for the offences under Sections 323 and 451 of I.P.C. and 10 of POCSO Act and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.2,000/-, in



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default, to undergo simple imprisonment for one month for the offence under Section 451 of I.P.C., sentenced to undergo 5 years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo simple imprisonment for three months for the offence under Section 10 of POCSO Act and for the offence under Section 323 of I.P.C., sentenced to undergo three months rigorous imprisonment. Aggrieved by the same, he filed Crl.A.No.126 of 2024 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

4.The learned counsel for the petitioner submitted that the petitioner is in custody for one year and one month out of the total sentence of five years and that he has raised several arguable points in the above appeal, which requires consideration and prayed for granting suspension of sentence.

5.Heard the learned Additional Public Prosecutor (Puducherry) and perused the counter affidavit.

6.Considering the fact that fixed period of sentence of imprisonment has been imposed on the petitioner and out of the sentence of 5 years, the



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petitioner has spent nearly one year and one month in custody, this Court is of the view that the petitioner is entitled to suspension of sentence.

7. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended till the disposal of the above Criminal appeal and the petitioner is ordered to be released on bail 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 Court Exclusively to deal with offences under the POCSO Act, Puducherry;
- (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



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other day in lieu of the date of his absence, as directed by the trial Court.

31.01.2025

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Issue order copy by 31.01.2025
Upload the order copy forthwith.

To

- 1.The Sessions Judge,
Fast Track Court Exclusively to deal with offences
under the POCSO Act, Puducherry
- 2.The Inspector of Police,
Katterikuppam Police Station,
Puducherry.
- 3.The Superintendent,
Central Prison,
Puducherry.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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