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Crl.M.P.No.7625 of 2025
in
Crl.A.No.374 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.M.P.No.7625 of 2025

in

Crl.A.No.374 of 2025

Dhivakar
S/o. Sivaraj

... Petitioner

Vs.

The State Rep by,
The Inspector of Police,
All Women Police Station,
Ponneri, Thiruvallur District.
Crime No.30/2021.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C., / 430 (1) of BNSS, 2023, to suspend the substantive sentence imposed on the petitioner by the learned Sessions Judge, Special Court for Exclusive Trial of Cases Under POCSO Act, Thiruvallur by a Judgment dated 28.03.2025 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner	: Mr.A.M. Rahamath Ali
For Respondent	: Mrs.G.V.Kasthuri
	Additional Public Prosecutor



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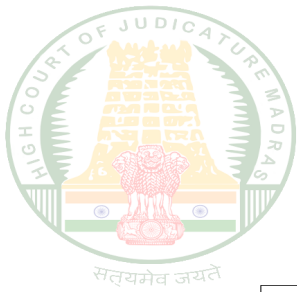
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ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the substantive sentence of imprisonment imposed on the petitioner by the learned Sessions Judge, Special Court for Exclusive Trial of Cases Under POCSO Act, Thiruvallur in Spl.S.C.No.49 of 2022 dated 28.03.2025 and enlarge the petitioner on bail, pending disposal of the above Criminal appeal.

2. The petitioner is the sole accused in Spl.S.C.No.49 of 2022 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases Under POCSO Act, Thiruvallur was found guilty for the offences under Sections 451, 354D (2), 354 A(2) read with 511 IPC and Section 7 read with 18 read with 8 and Section 11 read with 18 read with 12 of POCSO Act, 2012 and he was convicted and sentenced as follows :

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence passed by the Trial Court</i>
1	Section 354D(2) read with 511 IPC	To undergo one year simple imprisonment and to pay a fine of Rs.1000/-
2	Section 451 IPC	To undergo two years simple imprisonment and to pay a fine of Rs.1000/-
3.	Section 7 read with 18 read with 8 of POCSO Act, 2012	To undergo one year and six months simple imprisonment and to pay a fine of Rs.3,000/-
		No separate punishment is imposed for



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<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence passed by the Trial Court</i>
		offence under Section 354 A (2) read with 511 IPC and Sections 11 read with 18 read with 12 of POCSO Act.

Further, the aforesaid sentences were ordered to run concurrently.

3. Challenging the above conviction and sentence, the petitioner/accused preferred the appeal Crl.A.No.374 of 2025 along with the instant criminal miscellaneous petition seeking suspension of sentence and to enlarge him on bail.

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

5. Considering the facts and circumstances of the case and also considering the age of the victim and taking into consideration the serious nature of offences committed by the petitioner, 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.

16.04.2025

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in
Crl.A.No.374 of 2025

To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases
Under POCSO Act, Thiruvallur.
2. The Inspector of Police,
All Women Police Station,
Ponneri, Thiruvallur District.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J
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16.04.2025
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