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Crl.M.P.No. 9977 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.05.2025**

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

CRL.M.P.No.9977 of 2025

in

CrI.A.No.472 of 2025

Jayaraman

... Petitioner/Accused

Versus

The State Rep by its
The Inspector of Police,
All Women Police Station,
Sooramangalam, Salem City.
(Crime No. 15 of 2022)

... Respondent

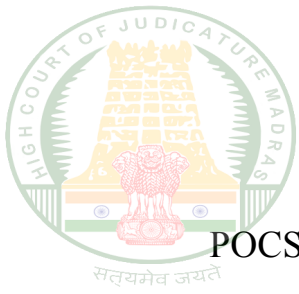
Prayer:- Criminal Miscellaneous Petition filed under Section 430[1] of BNSS, to suspend the sentence imposed against the petitioner in Spl.S.C.No.300 of 2022 dated 29.04.2025 by the learned Sessions Judge, Principal POCSO Court, Salem.

For Petitioner : Mr.L.Ramanathan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 29.04.2025 passed in Spl.S.C.No.300 of 2022 on the file of the learned Sessions Judge, Principal



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POCSO Court, Salem, and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner/accused in the above Sessions Case, were convicted and sentenced as follows:

	Offence under Section	Sentence imposed
Accused	9(m) r/w 10 of the POCSO Act	Sentenced to undergo imprisonment for five years and to pay a fine of Rs.1,000/- in default, to undergo additional rigorous imprisonment for one year
	354 IPC	sentenced to undergo imprisonment for one year and to pay a fine of Rs.1,000/- in default to undergo additional rigorous imprisonment for three months.

3. Challenging the above conviction and sentence, the petitioner has filed the above Criminal Appeal and they seek suspension of sentence and bail in the present petition.

4. Heard learned counsel on either side and perused the materials available on record.

5. It is the case of the prosecution that on 06.06.2022, when the victim



aged 10 years went to her friend's house to celebrate her friend's birthday, the petitioner, aged 60 years with the intent to commit sexual assault over the victim girl hugged her and attempted to kiss her.

6. The learned counsel appearing for the petitioner would submit that the allegation against the petitioner in the charge is contrary to the deposition. He further submitted that the petitioner is in custody from 06.06.2022 and hence, he prayed that the sentence imposed on the petitioner may be suspended.

7. The learned Government Advocate (Crl. Side) *per contra* submitted that the case has been established beyond reasonable doubt and minor contradictions would not affect the prosecution case in any manner. Hence, he prayed for dismissal of the petition.

8. Considering the submissions of the learned counsel for the petitioner; the deposition of the victim in the cross examination; the fact that the petitioner is in custody from 06.06.2022; and that the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of sentence to the petitioner.



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WEB COPY 9. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner, is suspended on the following conditions:

- (i) Each of 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, Principal POCSO Court, Salem.
- (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 they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

21.05.2025

dpa/skr

Note:



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- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this court will be watermarked and will also have a QR code.**

To

- 1.The Sessions Judge, Principal POCSO Court, Salem.
2. The Inspector of Police,
All Women Police Station,
Sooramangalam, Salem City.
3. The Superintendent of Prison,
Central Prison, Puzhal.
- 4.The Public Prosecutor,
Madras High Court.

N.SENTHILKUMAR, J.

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