



Crl.M.P.No.10323 of 2024
in Crl.A.No.930 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2025

CORAM:

**THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR**

Crl.M.P.No.10323 of 2024
in Crl.A.No.930 of 2024

Mageshwari

... Petitioner

Vs.

The State,
Rep. by Inspector of Police,
W-13, All Women Police Station,
Washermanpet,
Chennai – 600 021.
Crime No.18/2020

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, seeking to suspend the sentence imposed through order dated 26.09.2022 against the petitioner in Spl.S.C.No.12 of 2021 on the file of the Special Court for trial under POCSO Act, Chennai, pending disposal of the above appeal.

For Petitioner : Mr.W.M.Abdul Azeez

For Respondent : Mr.S.Rajakumar,
Additional Public Prosecutor



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ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on the petitioner by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai on 26.09.2022 in Spl.S.C.No.12 of 2021 and enlarge her on bail.

2. The Special Court for trial under POCSO Act, Chennai in Spl.S.C.No.12 of 2021, has convicted the petitioner and sentenced her as follows:-

<i>Accused</i>	<i>Offence</i>	<i>Sentence</i>
A6	Section 5(1)(a) of ITP Act	Life imprisonment and a fine of Rs.5,000/- i/d. 1 month SI
	Section 3(2) of ITP Act	2 years imprisonment and a fine of Rs.2,000/- i/d. 1 month SI
	Section 4 (1) of ITP Act	10 years imprisonment
	Section 370(A)(1) of IPC	7 years RI and a fine of Rs.5,000/- i/d. 1 month SI
	Section 6 r/w. 17 of POCSO Act	Imprisonment for remainder of natural life and a fine of Rs.5,000/- i/d. 1 month SI



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The sentences are ordered to run concurrently.

3. Challenging the above conviction and sentence, the petitioner has filed the above Criminal Appeal and she seeks for suspension of sentence and bail in the present miscellaneous petition.

4. It is the case of the prosecution that A1 to A5 are close relatives and that A2 is the cousin sister of the victim child and the wife of A1. The prosecution alleges that all the five accused, with an intention to earn money from prostitution, took the victim child from her parents on 29.08.2020 with a false promise to provide education to her and involved her in prostitution with the assistance of A6 to A9 and subjected her to have sexual intercourse with A10 to A22 from 29.08.2020 to 09.11.2020 and on various dates and thereby sexually exploited the victim. The petitioner herein is arrayed as A6.

5. Heard Mr.W.M.Abdul Azeez, learned counsel appearing for the petitioner/A6 and Mr.S.Rajakumar, learned Additional Public Prosecutor,



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appearing for the respondent/Police.

6. The learned counsel for the petitioner submitted that by an order dated 06.06.2024 in Crl.M.P.No.20299 of 2023 in Crl.A.No.1669 of 2023, a Co-ordinate Bench of this Court has considered the case of A8 and granted suspension of sentence to her by making the following observations:-

..... “6. *We have carefully considered the rival submissions and perused the records.*

7. It is seen from the evidence of the victim, that apart from identifying the petitioner as the mother of the co-accused, namely Mageshwari [A6] she had not deposed anything against the petitioner. Admittedly, the petitioner was arrested on the confession of the co-accused, and there is no other evidence.....”

7. Considering the fact that in a similar matter, co-accused was granted bail and further considering the fact that the appeal is not likely to be taken up in the near future, we are inclined to grant relief of suspension of sentence to the petitioner herein/A6.



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8. Accordingly, this Criminal Miscellaneous Petition stands **allowed** and the sentence imposed on the petitioner/A6 is suspended on the following conditions:-

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties each, for a like sum to the satisfaction of the learned Special Court for trial under POCSO Act, Chennai;
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds 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 she 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 other day, in lieu of the date of her



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absence, as directed by the Trial Court.

(iv) This order of suspension shall be subject to payment of fine imposed on the petitioner by the Trial Court in the judgment.

(M.S.R, J.)

(N.S, J.)

07.03.2025

Index: Yes/No

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Note: Issue Order Copy on 11.03.2025



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To

- 1.The Special Court for trial under POCSO Act,
Chennai.
- 2.The Inspector of Police,
W-13, All Women Police Station,
Washermanpet,
Chennai – 600 021.
- 3.The Superintendent,
Central Prison, Puzhal (For Women).
- 4.The Public Prosecutor,
High Court, Madras.



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M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.

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