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Crl.M.P.No.10531 of 2024
in Crl.A.No.960 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2025

CORAM:

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

Crl.M.P.No.10531 of 2024
in Crl.A.No.960 of 2024

A.Karthik

... Petitioner

Vs.

State through
The Inspector of Police,
W-20, All Women Police Station,
Washermenpet,
Chennai – 600 021.
(Crime No.18 of 2020)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, seeking to suspend the sentence imposed in Spl.S.C.No.12 of 2021 dated 26.09.2022 passed by the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Chennai and enlarge the petitioner on bail, pending disposal of the criminal appeal.

For Petitioner : Mr.R.Rajasekaran

For Respondent : Mr.S.Raja Kumar,
Additional Public Prosecutor



Crl.M.P.No.10531 of 2024
in Crl.A.No.960 of 2024

WEB COPY

ORDER

(Order of the Court was made by *N.SENTHILKUMAR, J.*)

The present 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 in Spl.S.C.No.12 of 2021 dated 26.09.2022 and enlarge him on bail.

2. The petitioner herein has been arrayed as the fifth accused (A5) by the Trial Court. The learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Chennai, has convicted the petitioner/A5 and sentenced him as follows:-

	<i>Offences</i>	<i>Sentence imposed</i>
A5	Section 5(1)(a)(i) of ITP Act	Life imprisonment and a fine of Rs.5,000/- in default to undergo 1 month SI;
	Section 3(2) of ITP Act	2 years imprisonment and a fine of Rs.2,000/- in default to undergo 1 month SI;
	Section 4(1) of ITP Act	10 years imprisonment;
	Section 370(A)(1) of IPC	7 years rigorous imprisonment and a fine of Rs.5,000/- in default to undergo 1 month SI;
	Section 6 r/w.17 of POCSO Act 2012	Imprisonment for the remainder of natural life and a fine of Rs.5,000/- in default to undergo 1 month SI.



Crl.M.P.No.10531 of 2024
in Crl.A.No.960 of 2024

WEB COPY

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

4. Heard Mr.R.Rajasekaran, learned counsel for the petitioner and Mr.S.Raja Kumar, learned Additional Public Prosecutor appearing for the respondent/Police.

5. As per the evidence of P.W.2, the overt act attributed to A5 who is the husband of A3 is that A5 had taken A3 and the victim child in his bike from the customer's place after commission of the offence and thereby aided A3.

6. The learned counsel for the petitioner/A5 submitted that this Court has already considered the case of A6, A9, A12, A15, A16, A17 & A20 and granted suspension of sentence to them. He would further submit that the petitioner/A5 is undergoing imprisonment for the past 5 years from 10.11.2020.

7. Taking into consideration the incarceration period undergone by the



Crl.M.P.No.10531 of 2024
in Crl.A.No.960 of 2024

WEB COPY

petitioner/A5, as well as the suspension of sentence granted to his co-accused namely A6, A9, A12, A15, A16, A17 & A20, we are inclined to grant suspension of sentence to the petitioner/A5 as well.

8. Accordingly, this Criminal Miscellaneous Petition stands **allowed**, and the sentence imposed on the petitioner/A5, 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 Sessions Judge, Special Court for exclusive trial of cases 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 he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317



WEB COPY



Crl.M.P.No.10531 of 2024
in Crl.A.No.960 of 2024

Cr.P.C. and shall appear before the Trial Court on any other day, in lieu of the date of his absence, as directed by the Trial Court.

(M.S.R, J.) (N.S, J.)
21.04.2025

Index: Yes/No
Internet: Yes/No

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Note: Issue Order Copy on 23.04.2025

To

1.The Sessions Judge,
Special Court for exclusive trial of cases under POCSO Act,
Chennai.

2.The Inspector of Police,
W-20, All Women Police Station,
Washermenpet, Chennai – 600 021.

3.The Superintendent,
Central Prison at Puzhal, Chennai.

4.The Public Prosecutor,
High Court, Madras.



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Crl.M.P.No.10531 of 2024
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M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.

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