



Crl.M.P.No.13986 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2025

CORAM

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

Crl.MP.No.13986 of 2025

in

Crl.A.No.224 of 2022

Sekar

... Petitioner

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Krishnagiri,
Krishnagiri District.
Cr.No.147 of 2014.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 (1) of B.N.S.S, 2023 to suspend the sentence passed by the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri, Krishnagiri District in Spl.S.C.No.51 of 2015 dated 31.10.2019 against the petitioner, enlarge the petitioner on bail pending disposal of criminal appeal No.224 of 2022.

For Petitioner : Mr.V.Rajamohan

For Respondent : Mr.J.R.Archana
Government Advocate (Crl.side)

ORDER



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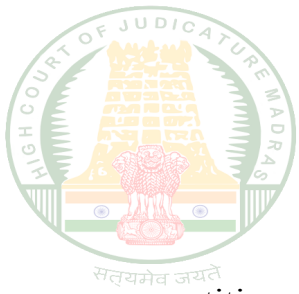
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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of the sentence imposed by the Trial Court in Spl.S.C.No.51 of 2015 on the file of the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri, Krishnagiri District dated 31.10.2019.

2. The conviction and sentence imposed against the petitioner is as follows:-

<i>Under Section</i>	<i>Sentence</i>
Section 363 of IPC	Sentenced to undergo seven years R.I and also to pay a fine of Rs.5000/- in default to undergo six months R.I.
Section 7 r/w 8 of POCSO Act	Sentenced to undergo three years R.I and also to pay a fine of Rs.5000/- in default to undergo three months R.I.
Section 5(m) r/w 6 of POCSO Act	Sentenced to undergo fourteen years R.I and also to pay a fine of Rs.5000/- in default to undergo one year R.I.
Section 5(I) r/w 6 of POCSO Act	Sentenced to undergo fourteen years R.I and also to pay a fine of Rs.5000/- in default to undergo one year R.I.

3. According to the learned counsel for the petitioner, there are arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the petitioner has got a fair chance of succeeding in the Criminal Appeal and hence, the sentence imposed against the



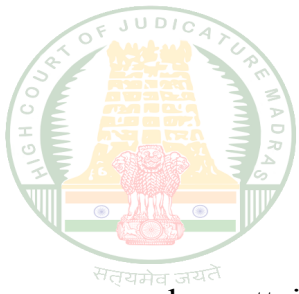
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petitioner may be suspended and the petitioner may be enlarged with bail. He would further submit that the total sentence imposed on the petitioner is 14 years and the petitioner has completed almost 50% of the sentence. However, the appeal has not yet been disposed of.

4. Learned Government Advocate (Crl.side) appearing for the respondent submitted that the prosecution has proved the case beyond reasonable doubts and the trial Court on finding the petitioner guilty, convicted him as stated above. Therefore, he vehemently opposed for grant of suspension of sentence.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondent and perused the materials on record.

6. In view of the facts and circumstances, since the appeal has not yet been disposed of, it is only appropriate that the sentence be suspended pending disposal of the appeal. However, this Court was concerned as to whether there will be any disturbance for the victim child. It is now stated that the victim child



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has attained majority and thereafter got married and living at Dharmapuri.

Presently, the accused and his family are living at Krishnagiri. The learned counsel for the petitioner would submit that even if the sentence is suspended, he will only live at Krishnagiri.

7. In that view of the matter, I am of the view that the sentence can be suspended pending disposal of the appeal. The sentence of imprisonment shall stand 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 trial Court;

(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;

(iii) The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., 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 355



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of BNSS, 2023 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;

8. Accordingly, the Criminal Miscellaneous Petition stands ordered.

22.07.2025

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Note: Registry is directed to post the appeal for final hearing on **09.09.2025**.



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D.BHARATHA CHAKRAVARTHY, J.

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To

1. The learned Sessions Judge,
Fast Track Mahila Court,
Krishnagiri, Krishnagiri District.
2. The Inspector of Police,
All Women Police Station,
Krishnagiri,
Krishnagiri District.
3. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

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