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*Crl.M.P.No.18456 of 2024
in Crl.A.No.1643 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02-01-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL MP NO. 18456 OF 2024

in

CRL A NO. 1643 of 2024

KARUNAMOORTHY

S/o.Subramanian, South Street, Maruthathur, Melur
Post, Tittakudi Taluk, Cuddalore District - 607 006.

Appellant(s)

Vs

State Rep By

Thittakudi Police Station, Cuddalore District.
(crime No.1323 Of 2020)

Respondent(s)

For Appellant(s):

Mr.M.Rajavelu

For Respondent(s):

Dr.C.E.Pratap,
Government Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the conviction and sentence passed by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore in Spl.S.C.No.41 of 2022 dated 30.08.2024 pending disposal of the above criminal appeal.



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2. The petitioner/Accused in Spl.S.C.No.41 of 2022 was convicted by the Trial Court by judgment dated 30.08.2024 for the offences under Sections 9(m), 9(i), 10 r/w 18 of POCSO Act and sentenced to undergo three years simple imprisonment and directed to pay a fine of Rs.10,000/-, in default, to undergo three months simple imprisonment. Aggrieved by the same, the petitioner filed Crl.A.No.1643 of 2024 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

3.It is the case of the prosecution that on 27.10.2020, when the de-facto complainant and his wife had gone out for work, the victim girl aged about 12 years and her sister were alone; that the petitioner had taken the victim to a nearby water channel and inappropriately touched the victim girl on her breast, neck and also her private part.

4.The learned counsel for petitioner would submit that the trial Court had found the petitioner guilty for offences under Sections 9(m), 9(i), 10 r/w 18 of POCSO Act and sentenced the petitioner to undergo three years simple imprisonment; that the trial Court had suspended the sentence for a period of one month; that the petitioner could not file the appeal immediately; that the



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petitioner had filed the appeal with a condone delay petition and sought for suspension of sentence.

5. Heard the learned Government Advocate (Crl. Side) appearing for the respondent police.

6. Considering the fact; that the petitioner has raised substantial grounds in the appeal, which requires consideration; that the sentence imposed on the petitioner had initially been suspended by the trial Court and the period of sentence is fixed; 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.

7. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended till the disposal of the above Criminal appeal and the petitioner is ordered to be released on bail on the following conditions:

- (i) The petitioner shall execute a bond each for a sum of Rs.10,000/- with two sureties, each for a like sum to the satisfaction of the



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learned Sessions Judge/Special Court for Exclusive Trial of Cases
under POCSO Act, Cuddalore;

- (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 he 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 his absence, as directed by the trial Court.

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To

- 1.The Thittakudi Police Station,
Cuddalore District.
- 2.The Sessions Judge,
Special Court for Exclusive Trial of Cases under
POCSO Act, Cuddalore.
- 3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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