



WEB COPY



Crl.M.P.No.17917 of 2024
in Crl.A.No.200 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2025

CORAM:

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

Crl.M.P.No.17917 of 2024
in Crl.A.No.200 of 2020

Baskar

... Petitioner

Vs.

State Represented by
Inspector of Police
All Women Police Station
Attur, Salem
Crime No.30 of 2014

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of the Criminal Procedure Code, praying to suspend the sentence passed against the petitioner in Old Special S.C.No.16 of 2015 and New Special S.C.No.3 of 2019, on the file of the learned Special Judge, POCSO Act, Salem, and enlarge the petitioner on bail.

For Petitioner : Mr.G.Krishnamurthy

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



Crl.M.P.No.17917 of 2024
in Crl.A.No.200 of 2020

WEB COPY

ORDER

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

The 3rd accused is the petitioner herein, in this petition, he seeks for suspension of his sentence.

2. Learned Special Judge, POCSO Act, Salem, in Old Special S.C.No.16 of 2015 and New Special S.C.No.3 of 2019, has convicted the petitioner and sentenced him as follows:-

<i>Offence</i>	<i>Sentence imposed</i>
U/s.366 IPC	5 years R.I. along with a fine of Rs.5,000/- in default 2 months S.I.
U/s.6 r/w 5(m) POCSO Act	Life imprisonment along with a fine of Rs.25,000/- in default 6 months S.I.
U/s.6 r/w 5(i) POCSO Act	Life imprisonment along with a fine of Rs.25,000/- in default 6 months S.I.
U/s.506(i) IPC	1 year R.I.

3. Heard Mr.G.Krishnamurthy, learned counsel appearing for the petitioner and Mr.S.Raja Kumar, learned Additional Public Prosecutor, appearing for the respondent Police.



Crl.M.P.No.17917 of 2024
in Crl.A.No.200 of 2020

WEB COPY

4.It is the submission of the learned counsel for the petitioner that the victim girl was originally examined by one Dr.Kavitha, who was not examined by the prosecution before the trial Court. By referring to the evidence let in by P.W.13, through whom the medical report of Dr.Kavitha was marked, the learned counsel submitted that much reliance should not be given to such medical evidence. This apart, the learned counsel would submit that the petitioner herein was originally arrested on 16.11.2014 and was under incarceration for two years. Thereafter, from the date of the judgment of the trial Court i.e. from 06.02.2020, he is under imprisonment. We are of the view that the legal grounds referred to by the learned counsel, could be deliberated at a later stage of final hearing. However, in view of the long period of incarceration of almost seven years, we are inclined to suspend the sentence.

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



WEB COPY



Crl.M.P.No.17917 of 2024
in Crl.A.No.200 of 2020

(i) *The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties each, each for a like sum to the satisfaction of the Special Court for POCSO Act, 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;*

(iii) *The petitioner is directed to appear before the trial Court on the first working day of every English Calendar 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;*

(iv) *On the failure of any of the above conditions by the petitioner / accused, it is open to the trial Court to commit the petitioner / accused into custody for undergoing the sentence.*

(M.S.R, J.)

(N.S, J.)



Crl.M.P.No.17917 of 2024
in Crl.A.No.200 of 2020

26.03.2025

WEB COPY

kas

Note: Issue Order Copy on 27.03.2025

To

1.The Special Judge
POCSO Act
Salem

2.The Inspector of Police
Inspector of Police
All Women Police Station
Attur, Salem
Crime No.30 of 2014

3.The Superintendent of Prison
Central Prison
Salem

4.The Public Prosecutor
High Court of Madras
Chennai 600 104



WEB COPY



Crl.M.P.No.17917 of 2024
in Crl.A.No.200 of 2020

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

kas

Crl.M.P.No.17917 of 2024
in Crl.A.No.200 of 2020



WEB COPY



Crl.M.P.No.17917 of 2024
in Crl.A.No.200 of 2020

26.03.2025