



CRL MP(MD) No. 13095 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28-01-2025

CORAM

THE HONOURABLE MR JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

CRL MP(MD) No. 13095 of 2024

in

CrI.A.(MD)No.1062 of 2024

Sivanathan

S/o.Chellapandi, Sembukudipatti, Thanichiyam Post,

Vadipatti Taluk, Madurai District.

Now confined at Central Prison, Madurai.

Petitioner(s)

Vs

The State of Tamilnadu

Rep by The Inspector of Police, Vilampatti Police Station,

Dindigul District. Crime No.92 of 2023.

Respondent(s)

For Petitioner(s):

M/s. Gurusamy N., Advocate

For Respondent(s):

Mr.E.Antony Sahaya Prabahar

Additional Public Prosecutor

ORDER

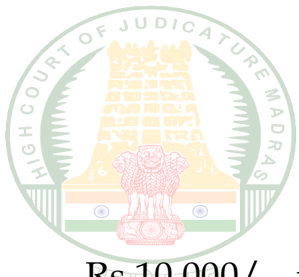
(Order of the Court was made by the Hon'ble G.R.Swaminathan J.)

Heard both sides.

2. The petitioner was convicted for the offences under Section 366 of IPC and

sentenced to undergo rigorous imprisonment for 5 years and to pay the fine of

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Rs.10,000/- in default to payment of fine to undergo further period of simple imprisonment for 6 months and under Section 9 of the Prohibition of Child Marriage Act, 2006 and sentenced to pay the fine of Rs.1,00,000/- in default of payment of fine to undergo further period of simple imprisonment for 6 months and under Section 6 of POCSO Act, 2012 and sentenced to undergo imprisonment for life and to pay fine of Rs.2,00,000/- in default of payment of fine to undergo further period of simple imprisonment for one year.

3. The petitioner is in incarceration since the date of Judgment. The petitioner has arguable points in the appeal. The appeal itself is not likely to be taken up 'for disposal' in the near future.

4. Accordingly, this Criminal Miscellaneous Petition is ordered and the sentence imposed on the petitioner vide Judgment dated 31.07.2024 is suspended subject to the following conditions:-

- i. The petitioner is directed to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees twenty five thousand only), with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Special Court for POCSO Act, Cases, Dindigul.
- ii. The sureties shall affix their photographs and Left Thumb Impression



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in the surety bond and the Court may obtain a copy of their Aadhar card or Bank passbook to ensure their identity.

iii. The petitioner shall report before the learned Special Court for POCSO Act, Cases, Dindigul, in the first working day of every English calendar month at 10.30 a.m., until further orders 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.

5. This Criminal Miscellaneous Petition is allowed.

sd/-
28/01/2025

/ TRUE COPY /

30/01/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

RMI
TO
1 THE JUDGE,
SPECIAL COURT FOR POCSO ACT CASES, DINDIGUL.

2 THE INSPECTOR OF POLICE,
VILAMPATTI POLICE STATION,
DINDIGUL DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.N.GURUSAMY, Advocate (SR-1043[I] dated 29/01/2025)

ORDER
IN
CRL MP(MD) No. 13095 of 2024
in
Crl.A.(MD)No.1062 of 2024
Date :28/01/2025

SA/SAR. /30.01.2025/4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.