



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty First day of September Two Thousand Sixteen
PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP(MD) No.7531 of 2016

IN

CRL A(MD) No.308 of 2016

S.VINCENT

... APPELLANT/SOLE ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION, KANYAKUMARI,

KANYAKUMARI DISTRICT.

CR. NO.18/2003

... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence and grant bail to the appellant/sole accused pending disposal of the Criminal Appeal before this Honourable Court against the judgement in S.C.No.126 of 2013 on the file of the Sessions Judge Fast Track Mahila Court, Kanyakumari at Nagercoil in Cr.No.18 of 2013 on the file of the respondent police station, dated 28.06.2016 pending disposal of the appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.PINAYGASH for T.LAJAPATHI ROY, Advocate for the petitioner and of MRS.S.PRABHA, Govt.Advocate(Crl.Side) on behalf of the Respondent, the court made the following order:-

The sole accused in S.C.No.126 of 2013, on the file of the learned Sessions Judge, (Fast Track Mahila Court), Kanyakumari at Nagercoil, while challenging his conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

2. After trial, he has been convicted and sentenced as under:

Conviction	Sentence
Section 4 of Prevention of Children from Sexual Offence Act	10 years R.I. + Fine Rs.1,000/-, i/d 1 year R.I.

3. Fine amount has been paid.

4.The learned counsel for the petitioner submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised.



5. The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner.

6. In the facts and circumstances, perusing the impugned Judgment and the materials on record and also considering the age of the petitioner, I am of the view that certain eminently arguable points are involved in this criminal appeal. They are required to be examined in detail in the main criminal appeal. Further, it will take some time for the disposal of the criminal appeal. Further, now the petitioner was confined at Central Prison, Palayamkottai, by which, the necessity to consider this petition arises. On considerations, ordered as under:

- (i) Appeal bail granted.
- (ii) Substantial sentence alone is suspended on condition that the petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties for the likesum each to the satisfaction of the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District.
- (iii) The petitioner shall appear before the said Court once in a week on every Monday at 10.00 a.m. until further orders.

sd/-
21/09/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE SESSIONS JUDGE, (FAST TRACK MAHILA COURT),
KANYAKUMARI AT NAGERCOIL.
 - 2 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL, KANYAKUMARI DISTRICT.
 - 3 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT.
 - 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
 - 5 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KANYAKUMARI, KANYAKUMARI DISTRICT.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.T.LAJAPATHI ROY Advocate SR.No.54683

ORDER
IN
CRL MP (MD) No.7531 of 2016
IN
CRL A (MD) No.308 of 2016
Date : 21/09/2016