



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

Monday, the Seventh day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP(MD) No.815 of 2016
IN
CRL A(MD) No.26 of 2016

ADAIKKAN

... PETITIONER/APPELLANT

Vs

STATE,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KULITHALAI,
KARUR DISTRICT.
CRIME NO. 5/2014

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of imprisonment imposed by the Fast Track Mahalir Neethimandram, Karur in Spl.S.C. No.5 of 2014 by the judgement dated 16.9.2015 and enlarge the petitioner/Appellant on bail pending disposal of the above said Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S D.RAMESHKUMAR, Advocate for the petitioner and of MR.P.KANDASAMY, Government Advocate (Crl.side) on behalf of the Respondent the court made the following order:-

The accused in Spl.S.C.No.5 of 2014, on the file of the Fast Track Mahalir Neethimandram, Karur, 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 596(i) IPC.	1 year R.I.
Sections 3&4 of Protection of Children from Sexual Offences Act, 2012.	7 year R.I. + Fine Rs.1,000/-, i/d 3 Months S.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. He would further submit that prior to Test Identification Parade, P.W.1 seen the appellant in the respondent police station, which fact was also admitted by the victim.

5. The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner, however, there is no serious objection on the side of the respondent in ordering the suspension of sentence.

6. In the facts and circumstances, perusing the impugned Judgment and the materials on record, 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, the age of the victim in this case is not proved by the prosecution through competent authorities, which has also been accepted by the Government Advocate (crl.side).

7. 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.15,000/- (Rupees Fifteen thousand only) with two sureties for the like sum each to the satisfaction of the Judicial Magistrate No.1, Kulithalai.

(iii) The petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m., until further orders.

sd/-

07/11/2016

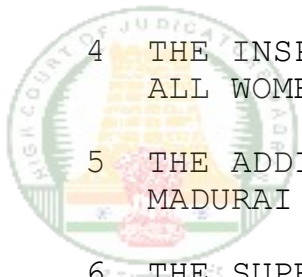
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDGE, FAST TRACK MAHALIR NEETHIMANDRAM, KARUR.

2 THE JUDICIAL MAGISTRATE NO.1, KULITHALAI.



- 4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KULITHALAI, KARUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 6 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

WEB COPY

+1. C.C. to M/S D.RAMESHKUMAR Advocate SR.No.66364

MPK

CSL/MPA/SAR-J/07.11.2016: 3P/8C

ORDER
IN
CRL MP (MD) No.815 of 2016
IN
CRL A (MD) No.26 of 2016
Date :07/11/2016