



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

Wednesday, the Second day of November Two Thousand Sixteen
PRESENT

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

CRL MP(MD) No.8512 of 2016

IN

CRL A(MD) No.223 of 2016

WEB COPY

SUDALAIMANI

... APPELLANT/SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KADAMBUR,THOOTHUKUDI DISTRICT,
CRIME NO.3/2015.

... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge the Petitioner on bail by SUSPENDING THE SENTENCE imposed upon him in special Sessions Case No. 33 of 2015 on the file of the Learned Sessions Judge Mahalir Neethimandram (Fast Track Mahila Court) Thoothukudi, Thoothukudi District dated 21.04.2016 pending disposal of the main 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.A.THIRUVADI KUMAR, Advocate for the petitioner and of MR.P.KANDASAMY, Government Advocate(Crl.Side) on behalf of the Respondent and the Court made the following order:-

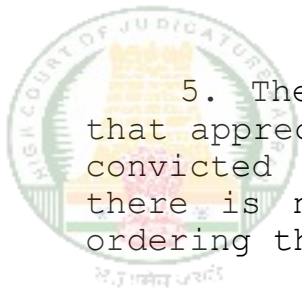
The accused in Spl.S.C.No.33 of 2015, on the file of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court) Thoothukudi, while challenging his conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

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

Conviction	Sentence
Section 366 IPC.	1 year R.I. + Fine Rs.1,000/-, i/d 1 Month R.I.
Section 4 of Protection of Children from Sexual Offences Act, 2012.	7 year R.I. + Fine Rs.3,000/-, 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. He would further submit that the age of the victim in this case is not proved by the prosecution through competent authorities. The age of the victim is also not fixed by the Doctor also.



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).

6. 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 ten thousand only) with two sureties for the like sum each to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Court), Thoothukudi, Thoothukudi District.
- (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/-

02/11/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE SESSIONS JUDGE, MAHALIR NEETHIMANDRAM, (FAST TRACK COURT), THOOTHUKUDI, THOOTHUKUDI DISTRICT.
- 2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, KADAMBUR, THOOTHUKUDI DISTRICT,
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
- 4 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.A.THIRUVADI KUMAR, Advocate SR.No.65483

ORDER IN

CRL MP(MD) No.8512 of 2016

IN CRL A(MD) No.223 of 2016

Date :02/11/2016

msm/Mpa/sar3/04.11.16/p2/6c

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