

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of October Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice S. VIMALA

CRIMINAL MISCELLANEOUS PETITION No.11283 of 2017

IN CRL A.566/2017

KANNAN

[PETITIONER]

Vs

THE STATE REP. BY ITS [RESPONDENT]
THE INSPECTOR OF POLICE,
BHAVANI ALL WOMEN POLICE STATION,
ERODE DISTRICT.
(CRIME NO.8/2015).

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.566/2017 on the file of the High Court, the High Court will be pleased to suspend the execution of this sentence dated 04.07.2017 passed in S.C.NO.35 of 2017 on the file of the Session Judge (Mahaliar Court), Salem against petitioner/Appellant in pending of the above CRL A.566/2017 [IN CRL.MP.NO.11283 OF 2017]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.566/2017 on the file of the High Court and upon hearing the arguments of M/S.E.C.RAMESH, Advocate for the petitioner and of PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner/accused has been found guilty by the learned Sessions Judge, Mahila Court, Salem in S.C.No.35 of 2015 and has been convicted and sentenced under the respective offences, which are tabulated as hereunder:

<i>Convicted under the Offence</i>	<i>Sentenced</i>
U/s. 366 IPC	to undergo 10 years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo 3 months simple imprisonment.
U/s. 312 (part - I) IPC	to undergo 3 years rigorous imprisonment and to pay a fine of Rs.2,000/-, in default, to undergo 3 months simple imprisonment.
U/s.6 of POCSO Act	to undergo 10 years rigorous imprisonment and to pay a fine of Rs.10,000/-, in default to undergo 3 months simple imprisonment.

2. The learned counsel appearing for the accused would submit that both the families were maintaining friendship between themselves and out of that friendship, love developed between the accused and the defacto complainant; in fact both the families have resolved to perform marriage between the accused and the Victim and in the meantime, age was impediment to perform the marriage; while waiting for the legal formalities to be complied with, this complaint has been lodged and that has led to the prosecution of the accused.

3. This Court perused the cross examination of P.W.2 and from the evidence, this Court is of the view that it is a fit case for grant of suspension of sentence. Even now, the victim girl is present along with her mother and as the accused in custody, the parents of the accused are before this Court. All of them invariably has submitted that still the proposal of marriage between the accused and the victim girl subsist.

4. Under the stated circumstances, the substantive sentence of imprisonment alone is suspended and petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond in a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Session Judge (Mahila Court), Salem and on further condition that the petitioner shall appear before the said learned Magistrate on the first working day of every English Calendar month at 10.30 a.m., pending disposal of the revision.

-sd/-
11/10/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE
[MAHILA COURT] SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE INSPECTOR OF POLICE,
BHAVANI ALL WOMEN POLICE STATION,
ERODE DISTRICT.

+1C.C. to M/S.E.C.RAMESH Advocate on payment of necessary
charges SR NO.19273

Order

in
CRL MP.11283/2017

in
CRL A.566/2017

Date :11/10/2017

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MK:11/10/2017