

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of September Two Thousand
Seventeen

PRESENT

The Hon`ble Mr Justice G.R.SWAMINATHAN

CRIMINAL MISCELLANEOUS PETITION No.12372 of 2017

IN CRL A.615/2017

RAMARAJAN

[PETITIONER]

Vs

INSPECTOR OF POLICE,
ALL WOMEN POLICE STAION, THUDIYALUR,
COIMBATORE DISTRICT. CR.NO. 24 OF 2016.

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased To suspend the sentence and enlarge the petitioner on bail imposed in Spl S.C.No.20/2016 dated 20.09.2017 on the file of the Magalir Neethi Mandramm, Coimbatore District.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.M.N.BALAKRISHNAN, Advocate for the petitioner and of MR. P.GOVINDARAJAN, ADDL. PUPLIC PROSECUTOR [FOR R1] on behalf of the Respondent the court made the following order:-

Heard both sides.

2. The petitioner seeks suspension of sentence pending disposal of the appeal.

3. The petitioner is the accused in Special Sessions Case No.20 of 2016 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Coimbatore and he was convicted for the offence under Section 11(iv) r/w.12 of POCSO Act 2012 and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs.5,000/- and in default to undergo rigorous imprisonment for one month. Aggrieved by the order of conviction and sentence, the petitioner herein preferred an Appeal and pending appeal, he filed this petition for suspension of sentence.

4. The learned counsel appearing for the petitioner would submit that there are arguable points in the appeal and therefore, he prayed for the suspension of the sentence.

5. The learned Additional Public Prosecutor has not raised any serious objection.

6. I have perused the materials on record and the judgment of the Trial Court. There is no fear that the petitioner will flee from justice. Hence, I am inclined to suspend the substantive sentence of imprisonment alone subject to the following conditions.

7. The sentence of imprisonment imposed on the petitioner by the trial Court alone is hereby suspended till the disposal of the appeal and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.5,000/- [Rupees five thousand only] with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Magalir Needhimandram, Coimbatore, within a period of two weeks from the date of receipt of a copy of this order.

-sd/-
27/09/2017

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,
MAGALIR NEETHIMANDRAM (FAST TRACK MAHILA
COURT), COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THUDIYALUR,
COIMBATORE DISTRICT. CR.NO. 24 OF 2016.

+1C.C. to M/S.M.N.BALAKRISHNAN Advocate on payment of
necessary charges SR.NO. 18689

Order

in
CRL MP.12372/2017

in
CRL A.615/2017

Date :27/09/2017

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EGR 28/09/2017