

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of November Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice S. VIMALA

CRIMINAL MISCELLANEOUS PETITION No.13528 of 2017

IN CRL A.687/2017

RAJESH,

[PETITIONER/APPELLANT]

Vs

THE STATE REPRESENTED BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GINGEE, VILLUPURAM DISTRICT.
(CRIME NO.4 OF 2015).

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.687 OF 2017 on the file of the High Court, the High Court will be pleased to Suspend the sentence imposed on the petitioners by a Judgement dated 06.10.2017 made in S.C.No.238 of 2016 by the Learned Session Judge, Magalir Neethi Mandram, Fast Track Mahila Court) Villupuram, and release the petitioner on bail pending disposal of the Crl.A.No.687/2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.687 of 2017 on the file of the High Court and upon hearing the arguments of MR.C.PRABAKARAN, Advocate for the petitioner and of MR. V.ARUL, ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

This appeal is filed by the petitioner/A1 challenging the conviction under Section 417 IPC and sentencing him to undergo one year Rigorous Imprisonment, apart from directing him to pay the fine amount of Rs.50,000/-, in default, to undergo further period of three months rigorous imprisonment. Challenging the same, the petitioner has preferred appeal and pending appeal, he seeks suspension of sentence and to enlarge him on bail.

2. It is the case of the prosecution that petitioner/A1 has committed offence under Sections 376, 417 and 294(b) IPC and under the promise of marrying her, he committed rape on her and cheated the victim.

3. The learned counsel for the appellant/A1 would submit that offence under Section 417 IPC has not been proved and that when the charge leveled under Section 376 IPC is held as not proved, the trial Court could not have convicted the accused u/s 417 IPC.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

5. Considering the fact that there are arguable points involved in this appeal, this court is inclined to grant the relief of suspension of sentence, on terms, pending appeal.

6. It is submitted by the learned counsel appearing for the appellant submitted that the petitioner/A1 has deposited the fine amount, as ordered by the Court below.

7. Taking into consideration the submissions made by learned counsel on either side and the above facts and circumstances of the case, this court is inclined to grant the relief of suspension of sentence, on terms, pending appeal.

8. Accordingly, substantive sentence of imprisonment alone is suspended and the petitioner/A1 is directed to be enlarged on bail on conditions (i) that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, MagalirNeethimandram, Fast Track Mahila Court, Villupuram and (ii) 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 Revision.

-sd/-
01/11/2017

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, VILLUPURAM.

2 THE ADDL. PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GINGEE, VILLUPURAM DISTRICT.

+1 C.C. to M/S.C.PRABAKARAN Advocate on payment of necessary charges-Sr.20275

Order

in
CRL MP.13528/2017

in
CRL A.687/2017

Date :01/11/2017

From 7.2.2001 the Registry is issuing certified
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