

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventeenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL MISCELLANEOUS PETITION No.2302 of 2016

IN CRL A.211 of 2015

KRISHNAN

[PETITIONER / APPELLANT]

Vs

THE STATE BY
INSPECTOR OF POLICE,
CHITHODE CIRCLE,
ERODE DISTRICT.
CRIME NO.552 OF 2013,

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to suspend the sentence of imprisonment imposed in the judgment dated 06.04.2015 made in Spl.S.C.No. 2 of 2014 on the file of the Learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Erode and enlarge the petitioner on bail pending disposal of the above criminal appeal No.211 of 2015 before this Hon'ble Court.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.V.ASHOK KUMAR, Advocate for the petitioner and of MR.S.UDAYA KUMAR, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

The appellant herein was found guilty of the offence under Section 8 of Protection of Children from Sexual Offences Act (5 counts). The appellant was acquitted from 3 counts of Section 8 of POCSO Act and convicted under Section 8 of POCSO Act (2 counts) and sentenced to undergo five years of Rigorous Imprisonment for each count and Rs.50,000/- fine for each count.

2. Earlier, the sentence was suspended by this Court on 12.09.2017 in Crl.M.P.No.2302 of 2016. Thereafter, in spite of several adjournments, the appellant has not come forward to conduct the appeal. In the past six months, the matter has been adjourned on the

following dates, viz., 21.01.2022, 04.02.2022, 21.02.2022, 28.03.22, 04.04.2022, 06.06.2022, 13.06.2022 and 15.06.2022. The learned counsel for the appellant is not ready even today and seeks adjournment.

3. This Court is of the view that the appellant after having secured his liberty by suspension of sentence is fleeing away to complete the appeal. Hence, the order of suspending the sentence dated 12.09.2017 is re-called. The respondent Police is directed to secure the appellant and commit him to prison.

4. Post the matter on 01.07.2022.

-sd/-

17/06/2022

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 NEETHI MANDRAM
(FAST TRACK MAHILA COURT), ERODE

2 THE INSPECTOR OF POLICE,
CHITHODE CIRCLE, ERODE DISTRICT

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.V.ASHOK KUMAR Advocate on payment of necessary charges

Order

in

CRL MP.2302/2016

in

CRL A.211/2015

Date :17/06/2022

From 7.2.2001 the Registry is issuing certified copies of the BAIL/Anti.BAIL Orders in this format

JPA 22/06/2022