

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Seventeenth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL MISCELLANEOUS PETITION No.4526 of 2017

IN CRL RC.513/2017

KESAVAN

[PETITIONER]

Vs

THE INSEPCTOR OF POLICE,
ALL WOMEN POLICE STATION,
MAYILADUTHURAI,
CR.NO.20 OF 2006

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal 513/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed on the petitioner in the judgment dated 11.09.2015 made in CA No.50 of 2010 on the file of the learned Sessions Court, (Fast Track Mahila Court), Nagapattinam, confirming the judgment dated 19.04.2010 made in S.C.No.188 of 2008 on the learned Additional Assistant Sessions Court (Additional Sub Court) Mayiladuthurai and enlarge the petitioner on bail pending disposal of the above CRL RC.513/2017 [IN CRL.MP.NO.4526 OF 2017]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.Revision Case No.513/2017 on the file of the High Court and upon hearing the arguments of M/S.T.GOBINATH, Advocate for the petitioner and of MR.R.RAVICHANDRAN, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

Petitioner faced trial in S.C.No.188 of 2008 on the file of learned Additional Assistant Sessions Judge, Additional Sub Court, Mayiladuthurai. Trial Court, under judgment dated 19.04.2010, convicted the petitioner for offences u/s.376 of IPC and sentenced him to undergo seven years R.I. and pay fine of Rs.5,000/- i/d six months S.I.. There against, petitioner preferred an appeal in C.A.No.50 of 2010 on the file of learned Sessions Judge, Fast Track Mahila Court, Nagapattinam. Appellate Court, under judgment dated 11.09.2015, dismissed the appeal. This miscellaneous petition has been filed seeking suspension of sentence.

2. Learned counsel for petitioner would submit that there are several infirmities and inconsistencies in the prosecution case. Learned counsel further informs that petitioner is now confined at Central Prison, Tiruchirappalli. It is also submitted that the counsel for the petitioner is ready and willing to argue the main revision itself.

3. Heard learned Government Advocate [Crl.side] on the submissions made by learned counsel for petitioner.

4. Taking into consideration the submissions of learned counsel for petitioner and the counsel for the petitioner is ready and willing to argue the main revision itself in the near future, this Court is of the view that the petitioner herein may be granted the relief of suspension of sentence.

Accordingly, 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 learned Judicial Magistrate-I, Mayiladuthurai, and on further condition that petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending revision.

Post the main revision for final hearing on 15.05.2017.

-sd/-
17/04/2017

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 JUDICIAL MAGISTRATE,
NO.I, MAYILADUTHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE SESSIONS JUDGE,
[FAST TRACK MAHILA COURT] NAGAPATTINAM.

4 THE ADDITIONAL ASSISTANT SESSIONS JUDGE,
[ADDITIONAL SUB COURT] MAYILADUTHURAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TIRICHIRAPPALLI.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

7 THE INSEPCTOR OF POLICE,
ALL WOMEN POLICE STATION,
MAYILADUTHURAI.

+1C.C. to M/S.T.GOBINATH Advocate on payment of necessary
charges SR NO.6901

Order

in
CRL MP.4526/2017

in
CRL RC.513/2017

Date :17/04/2017

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MK:18/04/2017