

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Eleventh day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice N. AUTHINATHAN

CRIMINAL MISCELLANEOUS PETITION No.8578 of 2017

IN CRL A.399/2017

R.CHANDRA,

[PETITIONER]

Vs

STATE BY,

[RESPONDENT]

THE DEPUTY SUPERINTENDENT OF POLICE,
ECONOMIC OFFENCE WING-II, SALEM DISTRICT.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.33/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence To suspend the conviction and sentence imposed on the petitioner in C.C.No.3 of 2011 dated 19.06.2017 on the file of the Special Judge, Special Court under TNPID Act Cases, Coimbatore and enlarge the petitioner on bail pending disposal of the above criminal appeal.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A No.33/2017 on the file of the High Court and upon hearing the arguments of M/S.C.PRAKASAM, Advocate for the petitioner and of MR.K. MADHAN, Government Advocate (Crl.Side) 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/appellant is the accused in Spl.S.C.No.27 of 2016 dated 28.11.2016 on the file of the learned Mahalir Fast Track Judge (Sessions Cadre) at Namakkal. He was found guilty of the offence U/s.366(a) of IPC and Sections 5 (1) r/w 6 of POCSO Act 2012, convicted and sentenced as under:

S.No.	Conviction	Sentence
1.	366 (a) IPC	10 years R.I. and fine of Rs.1,000/- i/d 6 months R.I.
2.	5 (1) r/w 6 POCSO Act 2012	10 years R.I. and fine of Rs.10,000/- and fine of Rs.1,000/- i/d 6 months R.I.

4.The case of the prosecution is that the victim girl and the petitioner were lovers and that, the petitioner herein sexually abused the victim, who was a minor then and that, therefore, he was prosecuted for the offences and based on the material, the Trial Court has convicted and sentenced as aforesaid.

5.Learned counsel for the petitioner would submit that during trial, the victim girl attained majority and hence, the petitioner married the victim girl, with the consent of both the families. According to him, he has not committed any offences as held by the Trial Court, and therefore, he may be granted bail pending appeal by suspending the execution of the sentence.

6.Learned Government Advocate (Criminal Side) has filed a counter affidavit opposing the bail petition. However, he would state that the petitioner married the victim girl after she attained majority and now, the victim girl is with the mother of the petitioner.

7.The victim girl, her mother and her mother-in-law are present before this Court. They would submit about the marriage that had taken place and that, they requested for grant of bail to the petitioner.

7. I have perused the grounds of appeal and the judgment of the Trial Court. The petitioner has been sentenced as stated above and there is no fear that he will flee from justice. Having regard to the above mentioned peculiar facts and circumstances, I am inclined to suspend substantive sentence of imprisonment alone subject to the following conditions.

8. Hence, 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

enlarged on bail on his executing a bond for Rs.5,000/- [Rupees Five thousand only] with two sureties each for a likesum to the satisfaction of the learned Mahalir Fast Track Court (Sessions Cadre), Namakkal within a period of two weeks from the date of this order and on further condition that the petitioner shall report before the trial Court once in a week on every Monday at 10.30 a.m. until further orders.

-sd/-

11/07/2017

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 SPECIAL JUDGE
UNDER TNPID ACT CASES, COIMBATORE

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

3 STATE BY,
THE DEPUTY SUPERINTENDENT OF POLICE,
ECONOMIC OFFENCE WING-II, SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.C.PRAKASAM Advocate on payment of necessary charges Sr.No.12840

Order
in
CRL MP.8578/2017
in
CRL A.399/2017
Date :11/07/2017

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

MD: 11/07/2017