

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirteenth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice N. AUTHINATHAN

CRIMINAL MISCELLANEOUS PETITION No.9552 of 2017

IN CRL A.460/2017

STANDLY,

[PETITIONER]

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
UTHAGAMANDALAM TOWN,
THE NILGIRIS DISTRICT.
CR.NO.2/2016.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.460/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in Special C.C.No.26 of 2016 dated 21.06.2017 on the file of the Mahalir Neethimandram, (FTMC), Uthagamandalam at Nilgiris convicting the appellant under section 7r/w.8 of POSCO Act 2012 and sentenced to undergo three years rigorous imprisonment and to pay a fine of RS.3,000/- in default of payment further sentenced to undergo simple imprisonment for the period of three months and the 45 days of imprisonment already undergone by the accused from 03.11.2016 to 17.12.2016 is ordered to be set off under section 428 of Cr.PC. And enlarge the petitioner on bail and thus render justice.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.460/2017 on the file of the High Court and upon hearing the arguments of M/S.V.LAKSHMINARAYANAN, Advocate for the petitioner and of MR.K.MATHAN Govt. 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 is the accused in Special Calendar Case No.26 of 2016 on the file of the Sessions Judge Magalir Neethimandram (FTMC), Uthagamandala at Nilgiris. He was convicted for the offence under Section 7 r/w 8 of POCSO Act, 2012 and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.3,000/- in default to undergo simple imprisonment for a period of three months.

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.

2. The learned counsel appearing for the petitioner would submit that there are arguable points in the appeal and the Trial court has already suspended the sentence.

3. The learned Government Advocate (Crl. Side) has not raised any serious objection, as the Trial Court has already suspended the sentence.

4. 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 and there is no allegation that he has misused his liberty, during trial. Hence, I am inclined to suspend the substantive sentence of imprisonment alone subject to the following conditions.

5. 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 Rs.5,000/- [Rupees five thousand only] with two sureties each for a like sum to the satisfaction of the learned Sessions Judge Magalir Neethimandram (FTMC), Uthagamandalam at Nilgiris, within a period of two weeks from the date of receipt of a copy of this order and on further condition that the petitioner shall report before the respondent police, once in a week on every Monday at 5.30 p.m., until further orders.

-sd/-

13/09/2017

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 MAHILAAR NEETHIMANDRAM
[FTMC], UTHAGAMANDALAM AT NILGIRIS

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
UTHAGAMANDALAM TOWN,
THE NILGIRIS DISTRICT.

+1 C.C. to M/S.V.LAKSHMINARAYANAN Advocate on payment of
necessary charges SR.NO. 17608

Order

in
CRL MP.9552/2017

in
CRL A.460/2017

Date :13/09/2017

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RD 15/09/2017