



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Sixth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP (MD) No.3620 of 2017
IN
CRL A (MD) No.129 of 2017

SARAVANAN

... PETITIONER/ACCUSED NO.A1

Vs

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KARUR
IN CRIME NO.11/2015

... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of Imprisonment imposed by the Learned Fast Track Mahila court, Karur in S.C.No.02/2016 date 08/03/2017 and enlarge the petitioner/appellant on bail pending disposal of the above Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.J.WILLIAM CHRISTOPHER, Advocate for the petitioner and of Mr.P.Kandasamy, Government Advocate (Crl.side) on behalf of the Respondent while admitting the Crl.A., the court made the following order:-

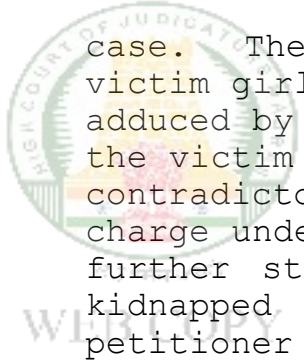
The first accused in Spl.Case No.2 of 2016, on the file of the Fast Track Mahila Court, Karur, while challenging his conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

2. After trial, he has been convicted and sentenced as under:

Conviction	Sentence
Section 366 of I.P.C.,	10 years R.I. + Fine Rs.10,000/-, i/d 6 Months S.I.
Section 5(I) r/w 6 of POSCO Act	10 years R.I. + Fine Rs.10,000/-, i/d 6 Months S.I.
Section 4 of TNPHW Act	3 years R.I. + Fine Rs.10,000/-, i/d 6 Months S.I.

3. Fine amount has been paid.

4. The learned counsel for the petitioner submitted that the complainant in this case who was examined as P.W.1 turned hostile. P.W.2 is the father of the victim girl also turned hostile in this



case. The victim girl was examined as P.W.14 and the age of the victim girl is not proved by the prosecution and as per the evidence adduced by the defence side, the alleged occurrence took place while the victim girl was major. It is further stated that there are some contradictory evidence adduced by the prosecution in respect of the charge under Section 366 and Section 5(I) r/w 6 of POSCO Act. It is further stated that the victim girl has not stated that she was kidnapped by the accused herein. The learned counsel for the petitioner further submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised.

5. The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner. He further submitted that the victim girl has admitted that she was living with the first accused after her marriage and there is some contradictions in her evidence also. However, there is no serious objection on the side of the respondent in ordering the suspension of sentence.

6. Considering the facts and circumstances of the case, perusing the impugned Judgment and the materials on record, I am of the view that certain eminently arguable points are involved in this criminal appeal. They are required to be examined in detail in the main criminal appeal. Further, it will take some time for the disposal of the criminal appeal.

7. On considerations, ordered as under:

(i) Appeal bail granted.

(ii) Substantial sentence alone is suspended on condition that the petitioner shall execute a bond for Rs.15,000/- (Rupees ten thousand only) with two sureties for the like sum each to the satisfaction of the learned Fast Track Mahila Court, Karur.

(iii) The petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m., until further orders.

sd/-
26/04/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDGE
FAST TRACK MAHILA COURT, KARUR

2 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KARUR

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. C.C. to M/S.J.WILLIAM CHRISTOPHER Advocate SR.No.21213

SM:BS:SAR 2:27.04.2017:3P/6C

ORDER

IN

CRL MP(MD) No.3620 of 2017

IN

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Date :26/04/2017