



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

Thursday, the Sixth day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP (MD) No.5772 of 2017
IN
CRL A (MD) No.213 of 2017

MOHANRAJKUMAR

... PETITIONER/APPELLANT (SOLE ACCUSED)

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SATTUR,
VIRUDHUNAGAR DT,
CRIME NO.13/2011

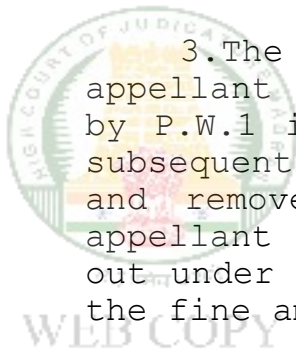
... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the substantive sentence rendered by the Learned Sessions Judge, Mahalir Neethi Mandram (Fast Track Mahila Court) Srivilliputhur in S.C.No.181/2012 dated 20/06/2017 as against the Petitioner/Appellant above named and enlarge the petitioner 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.N.ANANTHAPADMANABHAN, Advocate for the petitioner and of MR.C.MAYIL VAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

This petition has been filed praying to suspend the substantive sentence imposed against the Petitioner in S.C.No.181 of 2012, dated 20.6.2017 by the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Srivilliputhur and to enlarge the Petitioner on bail pending disposal of the appeal.

2.It is stated in the petition that the petitioner has been shown as sole accused in S.C.No.181 of 2012, wherein he has been convicted under Section 417 of IPC and sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs.1000/- and in default to undergo simple imprisonment for three weeks and he was also convicted under Section 376 IPC and sentenced to undergo rigorous imprisonment for 7 years and to pay a fine of Rs.55,000/- and in default to undergo simple imprisonment for three months. Challenging the said conviction and sentence, the Petitioner has filed the present appeal before this Court.



3. The learned counsel for the Petitioner submitted that the appellant got married to P.W.1/victim and the same is also admitted by P.W.1 in the cross-examination that she got married to him and subsequently, the appellant had driven her from the matrimonial home and removed her Mangalasuthra. In the above circumstances, the appellant and P.W., are being husband and wife, no offence is made out under Sections 417 and 376 of IPC. It is further submitted that the fine amount has also been paid before the Court below.

4. Considering nature of offences alleged to have been committed by the petitioner and quantum of imprisonment awarded against him and also considering the fact that there arguable points for consideration in this appeal, this Court is of the view to allow the present petition.

5. In fine, this petition is allowed. The Substantive sentence imposed in S.C.No.181 of 2012 alone is suspended till the disposal of Crl.A(MD)No.213 of 2017. The petitioner will be released on bail on executing a bond to the tune of Rs.10,000/- and two sureties each for the like-sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram(Fast Track Mahila Court), Srivilliputhur with a further condition that the petitioner shall report before the said Court on the first working day of every English Calendar month at 10.30 a.m., till the disposal of the appeal or until further orders.

6. The Registry is directed to call for records immediately.

sd/-

06/07/2017

/ TRUE COPY /

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

TO

- 1 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM(FAST TRACK MAHILA COURT), SRIVILLIPUTHUR
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SATTUR, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO: THE SECTION OFFICER, CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.N.ANANTHAPADMANABHAN Advocate SR.No.25935

ORDER

IN

CRL MP(MD) No.5772 of 2017

IN

CRL A(MD) No.213 of 2017

Date :06/07/2017