



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

Monday, the Seventeenth day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP(MD) No.6195 of 2017 IN
CRL A(MD) No.244 of 2017

BOOMINATHAN

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KUMBAKONAM,
CR NO. 08/2015

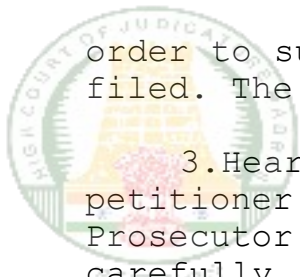
... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the sentence imposed on the Petitioner by the Judgement in S.S.C No. 19/2016 dated 31.05.2017 on the file of the Mahila Court (Fast Track Mahila Court) Thanjavur and grant bail to the Petitioner pending disposal of the appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.T.A.EBENEZER, Advocate for the petitioner and of MR.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent while admitting the Criminal Appeal the court made the following order:-

This petition has been filed praying to suspend the sentence imposed against the petitioner/sole accused in S.S.C.No.19 of 2016 by the Mahila Court (Fast Track Mahila Court), Thanjavur, dated 31.05.2017.

2.The petitioner is the sole accused in S.S.C.No.19 of 2016 on the file of the learned Mahila Court (Fast Track Mahila Court), Thanjavur, who stood charged for offences under Section 8 of Protection of Children from Sexual Offences Act, 2012 and Sections 294(b), 352 and 506(i) of I.P.C. The trial Court convicted the petitioner for offence under Section 8 of Protection of Children from Sexual Offences Act, 2012 and sentenced him to undergo three years rigorous imprisonment and also pay a fine of Rs.1,000/- and in default to undergo a further period of three months simple imprisonment and he was also convicted for the offence under Section 352 of I.P.C. and sentenced to undergo three months simple imprisonment and also pay the fine of Rs.500/- and in default to undergo a further period of fifteen days simple imprisonment. The trial Court acquitted the petitioner for the offences under Sections 294(b) and 506(i) I.P.C. Against the conviction and sentence passed by the trial Court, Crl.A(MD)No.244 of 2017 has been filed and in



order to suspend the sentence, the present Miscellaneous Petition is filed. The petitioner has paid the fine amount.

3. Heard Mr.T.Ebenezer, the learned counsel appearing for the petitioner and Mr.C.Mayilvahan Rajendran, learned Additional Public Prosecutor appearing for the respondent and perused the records carefully.

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4. The learned counsel for the petitioner submitted that even as per the evidence of P.W.1, the victim, the occurrence took place one week before the date of complaint and the appellant misbehaved with the petitioner and sexually harassed her. P.W.3, none other the sister of the petitioner and P.W.1, is her daughter. They are leading an immoral life and when the petitioner questioned them, the present complaint has been filed. The defacto complainant admitted in her cross-examination that a complaint has been given to the village headman, which were not accepted by him as they are leading an immoral life.

5. Considering the facts and circumstances of the case and also considering the fact that there are arguable points in the appeal and the petitioner was on bail before the trial Court, I am inclined to suspend the sentence of imprisonment alone imposed against the petitioner.

6. In fine, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended and the petitioner shall be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties each for a like sum to the satisfaction of the Mahila Court (Fast Track Mahila Court), Thanjavur 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.

sd/-

17/07/2017

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

TO

- 1 THE JUDGE,
MAHILA COURT (FAST TRACK MAHILA COURT), THANJAVUR.
 - 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KUMBAKONAM.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.T.A.EBENEZER Advocate SR.No.26659

ORDER IN
CRL MP(MD) No.6195 of 2017 IN
CRL A(MD) No.244 of 2017
Date :17/07/2017