



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

Tuesday, the Twenty Fifth day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP (MD) No.6616 of 2017
IN
CRL A (MD) No.283 of 2017

1 SELVAM

... APPELLANT/ACCUSED NO.1

Vs

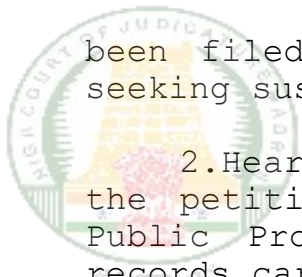
THE STATE REP.BY,
THE INSPECTOR OF POLICE
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.
CRIME NO.110/2016

... COMPLAINANT/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 of Imprisonment imposed by the District Sessions Mahila Court, Madurai District at Madurai in S.C.No.46/2016 by the Judgement dated on 06/07/2017 enlarge the Appellant/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.R.BALAMURUGANANTHAM, Advocate for the petitioner and of MR.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent while admitting Crl.A. the court made the following order:-

The petitioner/first accused in S.C.No.46 of 2016 on the file of the District and Sessions/Mahila Court, Madurai, stood convicted for the offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to undergo six months rigorous imprisonment and imposed a fine of Rs.1,000/-, in default to undergo one month simple imprisonment; he was convicted under Section 294(b) IPC (2 counts) and sentenced to undergo one month rigorous imprisonment and imposed a fine of Rs.500/- for each count, in default, to undergo one week simple imprisonment; he was convicted under Section 323 IPC and imposed a fine of Rs.500/- in default to undergo two weeks simple imprisonment and he was also convicted under Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, 2002 and sentenced to undergo six months rigorous Imprisonment and imposed a fine of Rs.10,000/-, in default, to undergo one month simple imprisonment. The trial Court has acquitted the second accused. Challenging the conviction and sentence passed by the trial Court, the present Criminal Appeal has



been filed. Pending appeal, the petitioner filed the application seeking suspension of sentence.

2. Heard Mr.R.Balamuruganantham, 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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3. The learned counsel appearing for the petitioner submitted that there are contradictions in the material particulars between the evidence of PW1 (mother of the victim) and PW2. Apart from that, there is a delay in filing the complaint and the accused and complainant are relatives, due to some previous enmity, the present complaint has been filed.

4. Considering the facts and circumstances of the case and also considering that there are arguable points in the case, I am inclined to suspend the sentence of imprisonment alone imposed against the petitioner.

5. In fine, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner/first accused 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 District Sessions Mahila Court, Madurai with a further condition that the petitioner shall report before the committal 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/-
25/07/2017

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

TO

- 1 THE JUDGE,
THE DISTRICT SESSIONS MAHILA COURT, MADURAI.
- 2 THE INSPECTOR OF POLICE
USILAMPATTI TALUK POLICE STATION, MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.R.BALAMURUGANANTHAM Advocate SR.No.27170

ORDER IN
CRL MP(MD) No.6616 of 2017 IN
CRL A(MD) No.283 of 2017
Date :25/07/2017