



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.753 of 2017
IN
CRL A(MD) No.21 of 2017

M.G. R. ALIAS RAMACHANDRAN

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
LALGUDI,
TRICHY DISTRICT,
CR NO. 19/2013.

... 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 imposed on the Petitioner by the judgement of learned Sessions Judge Mahila Court Tiruchirapalli in Special Session Case NO. 4/2014 dated 10.10.2014 and enlarge him on bail pending disposal of the Criminal Appeal.

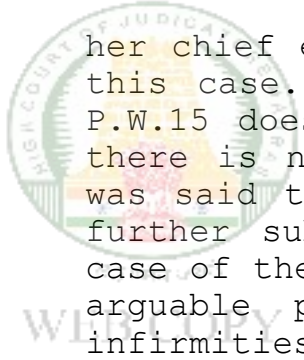
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.SEENI SULTHAN, Advocate for the petitioner and of Mr.P.Kandasamy, Government Advocate (Crl.side) on behalf of the Respondent, the court made the following order:-

The accused in Special Sessions Case No.4 of 2014, on the file of the Court of Sessions, Mahila Court, Tiruchirappalli, 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 450 of I.P.C.,	7 years R.I. + Fine Rs.500/-, i/d 1 Month S.I.
Section 3 r/w 4 of the Protection of Children from Sexual Offences Act, 2012.	10 years R.I. + Fine Rs.1,000/-, i/d 3 Months S.I.

3. The learned counsel for the petitioner submitted that the victim girl in this case is aged about 16 years and 6 months old and she was examined as P.W.1 in this case and she turned hostile during



her chief examination itself. P.W.12 Doctor examined the accused in this case. P.W.15 Doctor examined the victim girl in this case. P.W.15 does not support the case of the prosecution, stating that there is no external and internal injuries, since the victim girl was said to be forced to intercourse by the accused herein. It is further submitted that Forensic Report also does not support the case of the prosecution. He further submitted that there are certain arguable points in this case and there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised. He further submitted that the petitioner is having a prima facie in this case and the petitioner is confined at Central Prison, Trichy from the date of Judgment i.e., on 10.10.2014. The learned counsel for the petitioner also agrees to deposit the fine amount since not paid.

4. The learned Government Advocate (Criminal Side) submitted that after appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner. However, there is no serious objection on the side of the respondent in ordering the suspension of sentence.

5. 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.

6. 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 Fifteen thousand only) with two sureties for the like sum each to the satisfaction of the learned Sessions Judge, Mahila Court, Tiruchirappalli, and the payment of fine amount is stayed on deposit of Rs.1,500/- or furnishing security to the satisfaction of the learned Sessions Judge, Mahila Court, Tiruchirappalli.

(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 /



TO

1 THE SESSIONS JUDGE,
MAHILA COURT, TIRUCHIRAPALLI

2 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
LALGUDI, TRICHY DISTRICT

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

+1. C.C. to M/S.M.SEENI SULTHAN Advocate SR.No.21330

CSL:CM-MSA:SAR 2:28.04.2017:3P/6C

ORDER
IN
CRL MP(MD) No.753 of 2017
IN
CRL A(MD) No.21 of 2017
Date :26/04/2017