

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Third day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

CRIMINAL MISCELLANEOUS PETITION No.10209 of 2017

IN CRL A.506/2017

K.RAMESH,

[PETITIONER]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
RAILWAY POLICE, KATPADI,
VELLORE, DISTRICT
CR.NO.456 OF 2014.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Revision Case No. on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the Learned Sessions Judge, Magalir Neethi Mandram, Fast Track Mahila Court, Vellore in Special S.C.No.9/2015 dated 03.08.2017 and enlarge the petitioner on bail pending disposal of the above said Criminal Appeal No.506 of 2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.506/2017 on the file of the High Court and upon hearing the arguments of M/S.S.PARTHASARATHY, Advocate for the petitioner and of MR. V. ARUL, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

Petitioner, the sole accused, faced trial in SC.No.9/2015 on the file of learned Sessions Judge, Magalir Needhimandram [Fast Track Mahila Court], Vellore. Trial Court, under judgment dated 03.08.2017, convicted the petitioner for the commission of the offences u/s.10 of the Protection of Children from Sexual Offences Act and 4 of the Tamil Nadu Harassment of Woman Act and sentenced him to undergo 5 years rigorous imprisonment and to pay a fine of Rs.1,000/- with a default sentence of 1 month simple imprisonment for the offence u/s.10 of the Protection of Children from Sexual Offences Act and to undergo 1 year and to pay a fine of Rs.10,000/- with a default sentence of 1 month simple imprisonment for the offence u/s. 4 of the Tamil Nadu Harassment of Woman Act. The sentences were ordered to run concurrently. Challenging the conviction and sentence, the petitioner has preferred the above appeal and this miscellaneous petition has been filed seeking suspension of sentence, pending appeal.

2 The case of the prosecution is that on 10.12.2014, when the family of the victim girl, aged 12 years, were proceeding to Pallakat in a train and that when the victim child was sleeping in her berth, the petitioner/accused woke her up by pinching her cheeks and asked her to sleep with him and hence, the complaint.

3 Learned counsel for petitioner would submit that there are several infirmities and inconsistencies in the prosecution case. Learned counsel further informs that the case has been falsely foisted against the petitioner/accused since both the petitioner/accused as well as the prosecution witnesses, viz., P.Ws.1 and 3/parents of the victim girl P.W.2, were travelling in a train and there was some dispute between them regarding occupation of the berth and due to which, the petitioner has been implicated in this case. He would further submit that the petitioner is under incarceration from 03.08.2017.

4 Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioner.

5 Taking into consideration the submissions of learned counsel for petitioner and that the criminal appeal is not likely to be taken up for final hearing in the near future and further considering the fact that the appellant/petitioner/accused is undergoing incarceration from 03.08.2017 this Court is of the view that petitioner herein may be granted the relief of suspension of sentence.

6 Accordingly, the substantive sentence of imprisonment alone is suspended and petitioner is directed to be enlarged on bail on condition that the petitioner shall execute a bond in a

sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of learned Sessions Judge, Magalir Needhimandram [Fast Track Mahila Court], Vellore and on further condition that petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

03/01/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE
MAGALIR NEEDHIMANDRAM (FAST TRACK MAHILA
COURT, VELLORE

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE, RAILWAY POLICE,
KATPADI, VELLORE, DISTRICT CR.NO.456 OF 2014.

+1 C.C. to M/S.S.PARTHASARATHY Advocate on payment of
necessary charges Sr.No.97

Order
in
CRL MP.10209/2017
in
CRL A.506/2017

Date :03/01/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

MD: 05/01/2018