

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

CRIMINAL MISCELLANEOUS PETITION No.12283 of 2017

IN CRL A.613/2017

RAGUVARAN

[PETITIONER]

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ARIYALUR. CR.NO. 2 OF 2017.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.613/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed against the petitioner by the Hon`ble Fast Track Mahila Court, Ariyalur made in Special S.C. No.05 of 2017 dated 28.08.2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.613/2017 on the file of the High Court and upon hearing the arguments of MR.T.SIVAGNANASAMBANDAN, Advocate for the petitioner and of MR.V.ARUL, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Petitioner faced trial in SC.No.5/2017 on the file of learned Judge, Fast Track Mahila Court, Ariyalur. Trial Court, under judgment dated 28.08.2017, convicted the petitioner for the commission of the offences u/s.366 IPC and u/s.4 of the Protection of Children from Sexual Offences Act, 2012, [POCSO Act] and sentenced him to undergo 10 years rigorous imprisonment and to pay a fine of Rs.1,000/- with a default sentence of 3 months rigorous imprisonment for the offence u/s.366 IPC and to undergo 10 years rigorous imprisonment and to pay a fine of Rs.1,000/- with a default sentence of 6 months rigorous imprisonment for the offence u/s.4 of the POCSO 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 Learned counsel for petitioner would submit that there are several infirmities and inconsistencies in the prosecution case. Learned counsel further informs that petitioner is confined at Central Prison, Trichy, right from the date of conviction, i.e., from 28.08.2017 and further that this is a case of love affair and consent.

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

4 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 petitioner is undergoing incarceration right from 28.08.2017, this Court is of the view that petitioner herein may be granted the relief of suspension of sentence.

5 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 Judge, Fast Track Mahila Court, Ariyalur, 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/-
08/01/2018

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 FAST TRACK MAHILA COURT,
ARIYALUR.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ARIYALUR.

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.T.SIVAGNANASAMBANDAN Advocate on payment of
necessary charges in SR.NO. 313

Order

in
CRL MP.12283/2017

in
CRL A.613/2017

Date :08/01/2018

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

MLT-11/01/2018