

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Nineteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

Crl.M.P.Nos.12337, 12340, 12339 and 12342 of 2018 in
Crl.RC.Nos.1058 & 1059 of 2018

SAILESH

[PETITIONER / APPELLANT / ACCUSED
IN ALL THE PETITIONS]

VS

THE STATE REP BY ITS, [RESPONDENT
THE INSPECTOR OF POLICE, IN CRL.MP.NO.12337 & 12339 OF 2018
W-10 ALL WOMEN POLICE STATION, IN CRL.RC.NO.1058 OF 2018
KOTHAWALCHAVADI, AND 2nd RESPONDENT IN CRL.MP.NOS.12340
CHENNAI-1 & 12342 OF 2018 IN CRL.RC.NO.1059/2018]

SADHANA

1st RESPONDENT / APPELLANT / DEFACTO - COMPLAINANT
IN CRL.MP.NOS.12340 & 12342 OF 2018
IN CRL.RC.NO.1059 OF 2018]

Petitions praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.RC.Nos.1058 & 1059 of 2018 on the file of the High Court, the High Court will be pleased to

[i] suspend the sentence passed by the Learned III Metropolitan Magistrate, George Town Chennai in C.C.No.1873 of 2012 by its order dated 22.06.2017 which was confirmed by the Learned XVII Additional Sessions Judge, Chennai passed in C.A.No.168 & 231 OF 2017 by its order dated 07.09.2018 and release the petitioner on bail pending the above Crl.RC.Nos.1058 & 1059 of 2018 [IN CRL.MP.NOS.12337 & 12340 OF 2018]

[ii] grant exemption to the petitioner from surrendering before the trial court in pursuance to judgment dated 07.09.2018 made in C.A.No.168 & 231 of 2017 on the file of the Learned XVII Additional Sessions Court at Chennai which confirmed the conviction imposed on the petitioner in the judgment made in C.C.No.1873 of 2012 dated 22.06.2017 on the file of the Learned III Metropolitan Magistrate George Town, Chennai in Crl.RC.Nos.1058 & 1059 of 2018 [IN CRL.MP.NOS.12337 & 12342 OF 2018]

Order : These petitions coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.RC.Nos.1058 & 1059 of 2018 on the file of the High Court and upon hearing the arguments of M/S.J.SURESH, Advocate for the petitioner [IN ALL THE PETITIONS] and of PUBLIC PROSECUTOR on behalf of the [Respondent in MP.12337 & 12339 OF 2018 IN CRL.RC.NO.1058/2018 & 2nd Respondent in CRL.MP.NOS.12340 & 12342 OF 2018 IN CRL.RC.NO.1059 OF 2018], the court made the following order:-

Crl.M.P.Nos.12337, 12340 of 2018, have been filed to suspend the sentence passed by the learned III Metropolitan Magistrate, George Town, Chennai in C.C.No.1873 of 2012 by its order dated 22.06.2017.

2. Heard both sides.

3. The learned Government Advocate (Crl.Side) submitted that the evidence of P.W.1 and P.W.2 reveals that the victim girl is a daughter of the petitioner/accused and he had sexually misbehaved with her on various occasions. Therefore, he prayed for dismissal of these miscellaneous petitions.

4. Considering the gravity of the offence and the submissions of the Learned Government Advocate (Crl.Side), this Court is not inclined to grant the relief sought for in Crl.M.P.Nos.12337 and 12340 of 2018 and the same are dismissed.

5. In view of the miscellaneous petitions in Crl.M.P.Nos.12337 and 12340 of 2018, being dismissed, the petitions in Crl.M.P.Nos.12339 and 12342 of 2018, for granting exemption to the petitioner from surrendering before the Trial Court in pursuance of the judgment dated 07.09.2018, on the file of the learned XVII Additional Sessions Court at Chennai, are also dismissed accordingly.

-sd/-

19/11/2018

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 METROPOLITAN MAGISTRATE,
NO.Iii, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE XVII ADDITIONAL SESSIONS
COURT, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
W-10 ALL WOMEN POLICE STATION,
KOTHAWALCHAVADI CHENNAI-1

+2C.C. to M/S.J.SURESH Advocate on payment of necessary
charges SR NO.22067, 22068

Order

in
Crl.M.P.Nos.12337, 12340,
12339 and 12342 of 2018

in
Crl.RC.Nos.1058 & 1059 of 2018

Date :19/11/2018

From 7.2.2001 the Registry is issuing certified
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MK:30/11/2018

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