

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourth day of September Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

and

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL MISCELLANEOUS PETITION No.11105 of 2018

IN CRL A.370/2018

RAJAVALLI

[PETITIONER / APPELLANTS /
ACCUSED]

Vs

STATE BY THE INSPECTOR OF POLICE, [RESPONDENT]
SETHIATHOPPU POLICE STATION,
CUDDALORE DISTRICT,
CR.NO.102 OF 2015.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.370/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in Spl.S.C.No.29 of 2017 dated 05/06/2018 convicting the appellant enlarge on bail by the Learned Mahila Court, Cuddalore pending disposal of the above CRL A.370/2018

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.370/2018 on the file of the High Court and upon hearing the arguments of M/S.R.THAMARAISELVAN, Advocate for the petitioner and of M/S.R.PRATHAPKUMAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

[Order of the Court was made by **C.T.SELVAM, J**]

Petitioner/A4 along with three others faced trial in Spl.S.C.No.29 of 2017 on the file of Mahila Court, Cuddalore. Under judgment dated 05.06.2018, petitioner/A4 was convicted for offence u/s.6 r/w 17 of POCSO Act, 2012 and sentenced to 10 years R.I. and fine of Rs.10,000/- i/d 6 months S.I. Seeking suspension of sentence passed against her, petitioner has moved the present petition.

2. Learned counsel for petitioner submits that petitioner is the wife of A3 and the prosecution case is of the victim girl and A1 having resided at their house. A3, her husband, stands acquitted and petitioner/A4 would also stand on the same footing. Further, there absolutely is no evidence to inform that petitioner/A4 was aware of the victim being a minor. Learned counsel submits that the

petitioner is confined at Central Prison, Vellore and there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in material particulars in the evidence of the prosecution witnesses. Learned counsel further would submit that petitioner has not paid the fine amount.

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

4. Considering the facts and circumstances of the case as also the fact that it is not possible for the Court to take the Criminal Appeal in the near future and the submissions of learned counsel on either side, we are of the considered view that it is a fit case to grant the relief of suspension of sentence to petitioner herein.

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 Judicial Magistrate I, Cuddalore and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-
04/09/2018

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 JUDICIAL MAGISTRATE,
NO.I, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE MAHILA COURT,
CUDDALORE.

4 THE INSPECTOR OF POLICE
SETHIATHOPPU POLICE STATION,
CUDDALORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1C.C. to M/S.R.THAMARAISELVAN Advocate on payment of
necessary charges in SR.NO. 16801

Order

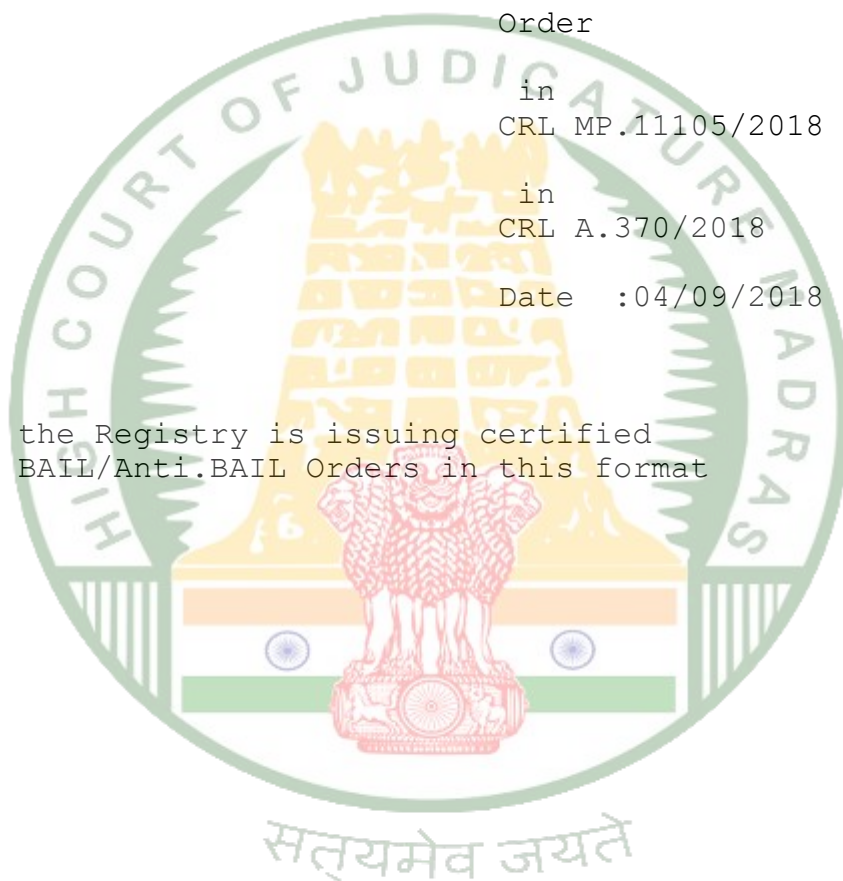
in
CRL MP.11105/2018

in
CRL A.370/2018

Date :04/09/2018

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MLT-05/09/2018



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