

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V. MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.14710 of 2017

IN CRL A.119/2017

1 KRISHNAMURTHY,
2 CHAKKARAVARTHI,

[PETITIONERS]

Vs

THE STATE REPRESENTED BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
JAYANKONDAM, ARIYALUR DISTRICT.
CR.NO.9 OF 2016.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.119/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioners by a Judgement dated 03.01.2017 made in Special S.C.No.21 of 2016 by the Fast Track Mahila Court, Ariyalur and release the petitioners on bail pending disposal of the criminal appeal

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.119/2017 on the file of the High Court and upon hearing the arguments of M/S.C.PRABAKARAN Advocate for the petitioner and of MRS. T.P.SAVITHA Government Advocate[crl.side] on behalf of the Respondent the court made the following order:-

Petitioners along with two others faced trial in Spl.S.C.No.21 of 2016 on the file of Sessions Judge, Fast Track Mahila Court, Ariyalur. Under judgment dated 03.01.2017, trial Court convicted them and sentenced as follows:

Accused	Section of law	Sentence
A1	9 of Prohibition of Child Marriage Act 2006	2 years R.I. and fine of Rs.500/- i/d 1 month S.I.
	4 of POSCO Act, 2012	10 years R.I. and fine of Rs.1,000/- i/d 6 months S.I.
	323 IPC	6 months S.I. and fine of Rs.500/- i/d 1 month S.I

Accused	Section of law	Sentence
A4	10 of Prohibition of Child Marriage Act 2006	1 year R.I. and fine of Rs.500/- i/d 3 months S.I.
	4 r/w 17 of POSCO Act, 2012	10 years R.I. and fine of Rs.500/- i/d 6 months S.I.

Trial Court directed that sentences run concurrently. Hence, petitioners seek suspension of sentence.

2. Learned counsel for petitioners would submit that the petitioners are confined at Central Prison, Trichy, and there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses. Learned counsel further submits that the petitioners have paid the fine amount.

3. I heard Mr.C.Prabakaran, learned counsel for the petitioner and Mrs.T.P.Savitha, learned Government Advocate and perused the records.

4. Considering the facts and circumstances of the case, I am not inclined to suspend the sentence as far as the first petitioner is concerned and in view of the fact that the second petitioner is concerned he has been in custody for more than one year and that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by learned counsel for petitioners, and further the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the second petitioner herein alone is entitled to the relief of grant of suspension of sentence. Accordingly, as far as first petitioner is concerned this petition is dismissed and second petitioner is concerned this petition is entertained on following conditions :-

5. Accordingly, the substantive sentence of imprisonment of the second petitioner alone is suspended and the second petitioner is directed to be enlarged on bail on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Ariyalur 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/-

15/02/2018

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
FAST TRACK MAHILA COURT,
ARIYALUR

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE REPRESENTED BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
JAYANKONDAM, ARIYALUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

C.C. to M/S.C.PRABAKARAN Advocate on payment of necessary
charges

Order

in
CRL MP.14710/2017

in
CRL A.119/2017

Date :15/02/2018

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RD 15/02/2018