

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.14932 of 2017

IN CRL A.293/2016

ARAVIND @ ARAVINDASAMY,

[PETITIONER/APPELLANT/ACCUSED]

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
THUDIALUR ALL WOMEN POLICE STATION,
COIMBATORE. CR.NO.68 OF 2013.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.293 OF 2016 on the file of the High Court, the High Court will be pleased to suspend the conviction imposed in Special C.C.No.25 of 2014 dated 29.03.2016 on the file of the Learned Sessions Judge, Magaliar Neethimandram (Mahila Court, Coimbatore) and enlarge the petitioner on bail pending disposal of the above Crl.A.No.293 of 2016.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.293 of 2016 on the file of the High Court and upon hearing the arguments of M/S.V.PURUSHOTHAMAN, Advocate for the petitioner and of MR. V.ARUL, ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Petitioner faced trial in Spl.CC.No.25/2014 on the file of learned Sessions Judge, Mahalir Needhimandram, Coimbatore. Trial Court, under judgment dated 29.03.2016, convicted the petitioner for the commission of the offences u/s.7 read with 9[m] read with 10 of the Protection of Children from Sexual Offences Act and sentenced him to undergo 5 years rigorous imprisonment and to pay a fine of Rs.2,000/- with a default sentence of 3 months simple imprisonment. 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 as per the evidence of P.W.12-Dr.Hemapriya, who had examined the victim girl/P.W.1, no external injuries were found on the private parts of the victim and even as

per the cross-examination of P.W.3-father of the victim, the complaint was given on the next day of the occurrence. It is also submitted that the petitioner is in custody from the date of conviction.

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 some amicable settlement is possible between the parties, 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 Sessions Judge, Mahila Court, Coimbatore 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,
MAHILA COURT, COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THUDIALUR ALL WOMEN POLICE STATION,
COIMBATORE DISTRICT

+1 C.C. to M/S.V.PURUSHOTHAMAN Advocate on payment of necessary charges-Sr.80

Order

in
CRL MP.14932/2017

in
CRL A.293/2016

Date :03/01/2018

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