

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Tenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

CRIMINAL MISCELLANEOUS PETITION No.16617 of 2017

IN CRL A.808/2017

SUBRAMANI

[PETITIONER/APPELLANT/ACCUSED]

Vs

STATE REP. BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUPPUR NORTH, TIRUPPUR.
CR.NO.6/2015.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.808 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner in Special S.C.No.26 of 2016 on the file of the learned Magalir Needhimandram (Fast Track Mahila Court) Tiruppur dated 05.12.2017 and release the petitioner on bail pending disposal of the above CRL.A.808/2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.808 of 2017 on the file of the High Court and upon hearing the arguments of MR.J.FRANKLIN, 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.C.C.No.26 of 2016 on the file of learned Magalir Neethi Mandram (Fast Track Mahila Court), Tiruppur. Trial Court, under judgment dated 05.12.2017, convicted petitioner for offences u/s.7 r/w 8 of Protection of Children from Sexual Offences Act-2012 and Section 451 IPC sentenced to 5 years R.I and fine of Rs.5,000/- i/d 1 months R.I. for offence u/s.7 r/w 8 of Protection of Children from Sexual Offences Act-2012 and 2 years R.I. and fine of Rs.1,000/- i/d 6 months R.I. for offence u/s.451 IPC. This miscellaneous petition has been filed seeking suspension of sentence.

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 now confined at Central Prison, Coimbatore.

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 revision is not likely to be taken up for final hearing in the near future, this Court is of the view that petitioner herein may be granted the relief of suspension of sentence.

Accordingly, the substantive sentence of imprisonment alone is suspended and petitioner is directed to be enlarged on bail on condition that 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 Mahila Judge, Fast Track Court, Tiruppur 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 revision.

-sd/-
10/01/2018

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 MAHILA JUDGE,
FAST TRACK COURT, TIRUPPUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUPPUR NORTH, TIRUPPUR.

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

Order

in
CRL MP.16617/2017

in
CRL A.808/2017

Date :10/01/2018

From 7.2.2001 the Registry is issuing certified
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ths : 11.01.2018