

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirteenth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.1597 of 2018

IN CRL A.71/2018

RAVI @ MATTU RAVI,

[PETITIONER]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
V-1, VILLIVAKKAM POLICE STATION,
CHENNAI, CR.NO.766/2014.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.71/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner in S.C.No.56 of 2015 by the Learned Special Judge for Cases under POSCO Act 2012/ Mahila Court, Chennai, pending disposal of the above C.A.No.71 of 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.71/2018 on the file of the High Court and upon hearing the arguments of M/S.MURALI VINODH, Advocate for the petitioner and of MR. T. SHANMUGA RAJESWARAN, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

The petitioner was convicted for the alleged offences under Section 448 of IPC and Section 10 of Protection of Children from Sexual Offences Act, 2012. He was sentenced to undergo 6 months Rigorous Imprisonment under Section 448 IPC and 7 years Rigorous Imprisonment for offence under Section 10 of Protection of Children for Sexual Offences Act, 2012 and to pay a fine of Rs.10,000/-, in default to undergo further period of 6 months rigorous imprisonment and the sentences were ordered to run concurrently by the learned Special Judge for the cases under POSCO Act 2012/Mahila Court, Chennai in S.C.No.56 of 2015 by judgment dated 20.01.2017.

2. Heard the learned counsel for the petitioner. The learned Government Advocate submitted that counter has been filed by the respondent.

3. The Trial Court accepting the evidence of victim girl examined as PW2 which was corroborated by the evidence of PW5, has given a categorical finding that the presumption under Section 29 of POSCO Act, is satisfied and also noted that the defence failed to probablise the suggestive case. Hence, I do not find any merit in Civil Miscellaneous Petition and the same is dismissed.

-sd/-
13/04/2018

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 SPECIAL JUDGE FOR
CASES UNDER POCSO ACT 2012/MAHILA COURT,
CHENNAI

2 STATE REP BY
THE INSPECTOR OF POLICE, V-1, VILLIVAKKAM
POLICE STATION, CHENNAI, CR.NO.766/2014.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

Order
in
CRL MP.1597/2018
in
CRL A.71/2018
Date :13/04/2018

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MD: 23/04/2018