

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V. MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.2335 of 2018

IN CRL A.745/2017

SADHASIVAM,

[PETITIONER/APPELLANT]

Vs

STATE REP. BY,
INSPECTOR OF POLICE,
MALLIYAKARAI POLICE STATION,
SALEM DISTRICT.
CR.NO.126 OF 2016

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.745 OF 2017 on the file of the High Court, the High Court will be pleased to Suspend the sentence imposed on him by the Learned Sessions Judge, Mahila Court, Salem, dated 30.06.2017 passed in S.C.No.6 of 2017 and enlarge the petitioner on bail pending disposal of the Crl.A.No.745/2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.745 of 2017 on the file of the High Court and upon hearing the arguments of M/S.P.JAGADEESAN, 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:-

Petitioner faced trial in S.C.No.6 of 2017 on the file of the learned Sessions Judge, Mahila Court, Salem, Trial Court under Judgment dated 30.06.2017 convicted the petitioner for the offence under Section 4 of POSCO Act and sentenced to undergo seven years R.I and to pay a fine of Rs.10,000/- in default to undergo three months S.I , out of the fine amount, a sum of Rs.9,000/- was ordered to be compensated to the victim girl for her mental agony and suffering under Section 357(1) Cr.P.C. Hence, petitioner seeks suspension of sentence.

2. Learned counsel for the petitioner would submit that there are several infirmities and inconsistencies in the prosecution case. He would further submit that the petitioner is now confined in Central Prison, Coimbatore.

3. The learned Govt. Advocate (Crl.side) would strongly object that the petitioner was convicted and sentenced to undergo seven

years rigorous imprisonment and the petitioner is now in jail. He would rely upon the Judgment of the **Hon'ble Supreme Court in(2017) 2 Supreme Court Cases 51, State of Himachal Pradesh vs. Sanjay Kumar Alias Sunny**, which is applicable in this case. Hence, he prays for dismissal of this petition.

4. Considering the submission made by the learned counsel for the petitioner and also considered the Judgment of the Hon'ble Supreme Court at the time of hearing, this Court is of the view that the petitioner herein may be granted the relief of suspension of sentence.

5. Considering the nature of incarceration in jail for the past two years, this Court is inclined to grant bail to the petitioner. Accordingly, the substantive sentence of imprisonment alone is suspended and the 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 the learned Sessions Judge, Mahila Court, Salem and on further condition that the petitioner is directed to appear before the respondent police daily for a period of one month at 10.00 a.m. and thereafter, the petitioner is also directed to appear before the respondent police once in a week i.e. on every Monday at 10.00 a.m. pending appeal.

-sd/-
27/03/2018

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, SALEM.

2 THE PRINCIPAL SESSIONS JUDGE,
SALEM. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
MALLIYAKARAI POLICE STATION,
SALEM DISTRICT.

+1 C.C. to M/S.P.JAGADEESAN Advocate on payment of necessary charges-Sr.5950

Order

in
CRL MP.2335/2018

in
CRL A.745/2017

Date :27/03/2018

From 7.2.2001 the Registry is issuing certified
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ths : 27.03.2018