

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Sixth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V. MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.7160 of 2017

IN CRL A.250/2016

SIVAKUMAR,

[PETITIONER/APPELLANT]

Vs

STATE OF TAMILNADU

[RESPONDENT]

REPRESENTED BY INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KOTTAKUPPAM, VILLUPURAM DISTRICT.
CR.NO.8/2015.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.250 OF 2016 on the file of the High Court, the High Court will be pleased to suspend the sentence passed by the learned Sessions Judge Magalir Neethimandram (Fast Track Mahila Court), Villupuram in Spl.S.C.No.31 of 2015 dated 30.03.2016 and enlarge the petitioner on bail pending the disposal of the above CRL.A.No.250 of 2016.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.250 of 2016 on the file of the High Court and upon hearing the arguments of M/S.M.DEVARAJ, 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.31 of 2015 on the file of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Villupuram. Trial Court under Judgment dated 30.03.2016 convicted the petitioner for an offence under Section 10 of Protection of Children from Sexual Offences Act, 2012, and sentenced to undergo Rigorous Imprisonment for a period of five years and a fine of Rs.1000/- and in default of payment of fine, to undergo Simple Imprisonment for a period of one month. Hence, this miscellaneous petition has been filed seeking 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 inside the jail from 30.03.2016 i.e. more than two years.

3 Though the learned Government Advocate (Crl.side) would strongly object for granting bail to the petitioner, considering the long incarceration of the petitioner and also taking into consideration the submissions of learned counsel for the petitioner and fact that the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein may be granted the relief of suspension of sentence.

4 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 Judicial Magistrate II, Villupuram and on further condition that the petitioner is directed to appear before the respondent once in a week at 10.00 a.m. pending appeal.

-sd/-
26/03/2018

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 JUDICIAL MAGISTRATE,
NO.II, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE SESSIONS JUDGE MAGALIR
NEETHIMANDRAM (FAST TRACK MAHILA COURT),
VILLUPURAM.

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KOTTAKUPPAM,
VILLUPURAM DISTRICT.

+1 C.C. to M/S.M.DEVARAJ Advocate on payment of necessary charges-Sr.5867

Order

in
CRL MP.7160/2017

in
CRL A.250/2016

Date :26/03/2018

From 7.2.2001 the Registry is issuing certified
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ths : 26.03.2018