

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.8512 of 2017

IN CRL A.395/2017

M.KANNAN,

[PETITIONER]

Vs

THE INSPECTOR OF POLICE,
KODAVASAL POLICE STATION,
THIRUVARUR DISTRICT.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.No.395/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence awarded under the judgement dated 26.04.2017 passed by the additional District cum Sessions Judge, Fast Track Mahila Court, Thiruvavarur in Special Sessions Case No.1 of 2016 till the disposal of the above criminal appeal and to release the petitioner on bail and thus.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.395/2017 on the file of the High Court and upon hearing the arguments of M/S.P.SESUBALAN RAJA, Advocate for the petitioner and of MR. T.P. SAVITHA, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

The appellant faced trial in Special Sessions Case No.01 of 2016 on the file of the learned Additional District cum Sessions Judge, Fast Track Mahila court, Thiruvavarur under Judgment dated 26.04.2017, convicted the appellant and sentenced as follows:-

<i>Conviction</i>	<i>Sentence imposed</i>
u/s 3 (a) r/w 4 POCSO Act	sentenced to undergo seven years R.I and to pay a fine of Rs.5,000/- in default to undergo three months S.I

<i>Conviction</i>	<i>Sentence imposed</i>
u/s 9 PCM of Act	sentenced to undergo one year R.I and to pay a fine of Rs.1,000/- in default to undergo three weeks S.I

Hence, this miscellaneous petition has been filed seeking suspension of sentence.

2. Heard the learned counsel for the appellant and the learned Government Advocate (crl.side) for the respondent.

3. Learned counsel for the Appellant would submit that there are several infirmities and inconsistencies in the prosecution case.

4. Pursuant to the order dated 23.03.2018, the Inspector of Police produced the accused from Jail. The victim girl who is now major appeared before this Court along with the accused father. At present the victim girl is residing in the accused house. Apart from this, the accused is in jail for more than one year therefore this Court inclined to grant the bail.

5. The learned Govt.Advocate (Crl.side) would strongly object for granting bail to the Appellant.

6. Taking into consideration the submissions of learned counsel for the appellant and 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 Appellant herein may be granted the relief of suspension of sentence.

7. Accordingly, the substantive sentence of imprisonment alone is suspended and the Appellant is directed to be enlarged on bail on condition that the Appellant 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 Additional District cum Sessions Judge, Fast Track Mahila court, Thiruvavarur and on further condition that the appellant is directed to appear before the respondent police once in a month i.e. on the first working day of every month 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 ADDITIONAL DISTRICT CUM
SESSIONS JUDGE, FAST TRACK MAHILA COURT,
THIRUVARUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KODAVASAL POLICE STATION, THIRUVARUR
DISTRICT.

+1 C.C. to M/S.P.SESUBALAN RAJA Advocate on payment of
necessary charges Sr.No.5846

Order
in
CRL MP.8512/2017
in
CRL A.395/2017

Date :26/03/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

MD: 26/03/2018