

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.9108 of 2017

IN CRL A.431/2017

THANGARAJ,

[APPELLANT/ACCUSED]

Vs

STATE REP.BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION (EAST),
COIMBATORE CITY,
COIMBATORE DISTRICT.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.431 OF 2017 on the file of the High Court, the High Court will be pleased to enlarge the petitioner/appellant on bail by suspending the sentence imposed in Spl.C.C.No.8 of 2016 by the learned Sessions Judge, Magalir Neethi Mandram (Mahila Court) Coimbatore on 10.05.2017 pending disposal of the above appeal in C.A.No.431 of 2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.431 of 2017 on the file of the High Court and upon hearing the arguments of MR.L.BASKARAN, 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.8 of 2016 on the file of learned Sessions Judge, Magalir Neethi Mandram (Mahila Court), Coimbatore. Trial Court, under judgment dated 10.05.2017, convicted petitioner for offences u/s.3 (a) r/w 4 of Protection of Children from Sexual Offences Act-2012 and sentenced to 10 years R.I and to pay fine of Rs.5,000/- i/d 3 months S.I. 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 Sessions Judge Magalir Neetimandram, (Mahila Court), Coimbatore, 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 SESSIONS JUDGE
MAGALIR NEETIMANDRAM, (MAHILA COURT),
COIMBATORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION (EAST),
COIMBATORE CITY, COIMBATORE DISTRICT.

+1 C.C. to M/S.L.BASKARAN Advocate on payment of necessary charges-Sr.665

Order

in
CRL MP.9108/2017

in
CRL A.431/2017

Date :10/01/2018

From 7.2.2001 the Registry is issuing certified
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ths : 11.01.2018