

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.V. MURALIDARAN

CRIMINAL MISCELLANEOUS PETITION No.3088 of 2018

IN CRL A.757/2017

ALLEN CHRISTUDOSS,

[PETITIONER/APPELLANT/ACCUSED]

Vs

STATE REP. BY
INSPECTOR OF POLICE,
W-9 ALL WOMEN POLICE STATION,
VILLIVAKKAM, CHENNAI CITY.
CR.NO.12 OF 2014

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.757 OF 2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the learned Additional Sessions Judge (Magaleer Needhi Mandram), Chennai by a judgment dated 03.11.2016 in S.C No.9 of 2015 and enlarge the petitioner on bail pending disposal of the above CRL.A.NO.757/2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.757 of 2017 on the file of the High Court and upon hearing the arguments of MR.R.JOHN SATHYAN, Advocate for the petitioner and of MRS.T.P.SAVITHA, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

Petitioner faced trial in S.C.No.09 of 2015 on the file of the learned Additional Sessions Judge, Mahalir Neethimandram, Chennai. The Trial Court under Judgment dated 03.11.2016 convicted the petitioner for the offences under Section 10 of Protection of Children from Sexual Offences Act and sentenced him to undergo 5 years R.I and to pay a fine of Rs.10,000/- in default to undergo six months R.I. 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 since 03.11.2016, the petitioner is in jail and now he is confined in Central Prison, Puzhal, Chennai.

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

4. Considering the incarceration of the petitioner and pursuant to his conviction of 5 years, almost he has completed two years in the custody of Police. Taking into consideration the submissions of learned counsel for the petitioner 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 petitioner herein may be granted the relief of suspension of sentence.

5. 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 Additional Sessions Judge, Mahalir Neethimandram, Chennai 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 .am. and thereafter, the petitioner is directed to appear before the Trial Court once in a month i.e. on the first working day of every month at 10.00 a.m. pending appeal.

-sd/-
28/03/2018

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 SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM, CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W-9 ALL WOMEN POLICE STATION,
VILLIVAKKAM, CHENNAI CITY.

+1 C.C. to M/S.R.JOHN SATHYAN Advocate on payment of necessary charges-Sr.6282

Order

in
CRL MP.3088/2018

in
CRL A.757/2017

Date :28/03/2018

From 7.2.2001 the Registry is issuing certified
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ths : 02.04.2018