

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.7008 of 2018

IN CRL A.302/2018

DINESH @ DINESHKUMAR, [PETITIONER/APPELLANT/ACCUSED]

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
B-14 KUNIAMUTHUR POLICE STATION,
COIMBATORE DISTRICT
CR.NO.493 OF 2014.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.302 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on petitioner in Spl.C.C.No.19 of 2015 dated 27/03/2018 on the file of the Learned Sessions Judge, Magalir Neethimandram (Mahila Court), Coimbatore and enlarges the petitioner on bail pending disposal of the appeal.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.302 of 2018 on the file of the High Court and upon hearing the arguments of M/S.T.PADMANABHAN, Advocate for the petitioner and of Mr.T.SHANMUGA RAJESWARAN, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

Petitioner was convicted for an offence under Section 366A of I.P.C. and was sentenced to undergo 7 years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo 1 month simple imprisonment and the petitioner was convicted for an offence under Section 3 r/w 4 of POCSO Act and was sentenced to under 7 years rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo one month simple imprisonment. The Trial Court directed that sentences run concurrently. Hence, petitioner seeks suspension of sentence.

2. The learned counsel for petitioner would submit that there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses. The learned counsel would also submit that the petitioner was confined at Central Prison, Coimbatore.

3. Heard learned Government Advocate (Crl.Side) on the submissions made by learned counsel for petitioner.

4. Considering the facts and circumstances of the case and in view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by learned counsel for petitioner and further the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant 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 for 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 VII, Coimbatore and on further condition that the petitioner shall appear before the said Court on the first working day of every week at 10.30 a.m. pending appeal.

-sd/-

13/12/2018

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.VII, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE SESSIONS JUDGE,
MAGALIR NEETHIMANDRAM (MAHILA COURT),
COIMBATORE.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
<https://hcservices.ecourts.gov.in/hcservices/>
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
B-14 KUNIAMUTHUR POLICE STATION,
COIMBATORE DISTRICT

+1 C.C. to M/S.T.PADMANABHAN Advocate on payment of necessary
charges-Sr.23913

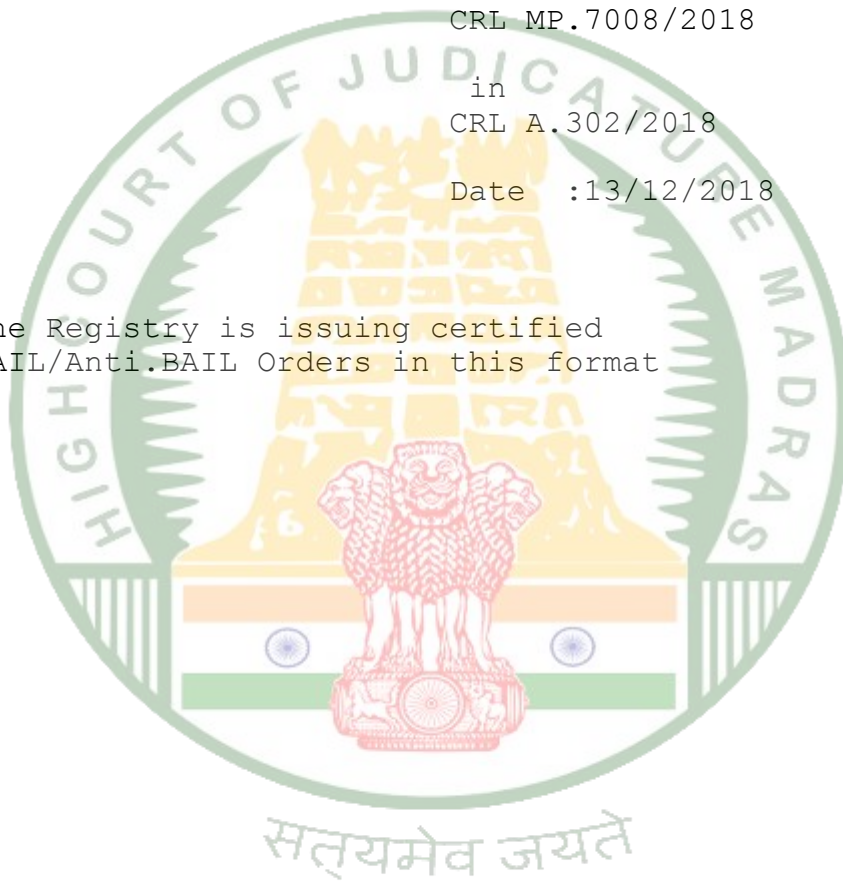
Order

in
CRL MP.7008/2018

in
CRL A.302/2018

Date :13/12/2018

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ths : 13.12.2018



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