

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Second day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.5670 of 2018

IN CRL A.235/2018

MURUGESAN

[PETITIONER]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUPUR SOUTH, TIRUPUR CITY.
CR.NO.14 OF 2015.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.235/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed against the Petitioner in the Judgment dated 07.03.2018 made in Spl.S.C.No.13/2016 on the file of the Magalir Neethimandram Fast Track Mahila Court, Tiruppur and release him on bail, pending disposal of the above Criminal Appeal No.235 of 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.235/2018 on the file of the High Court and upon hearing the arguments of MR.M/S.P.M.DURAI SWAMY, Advocate for the petitioner and of MR.R.SURYA PRAKASH, GOVERNMENT ADVOCATE on behalf of the Respondent the court made the following order:-

The petitioner/accused was convicted by the learned Sessions Judge, Magalir Neethimandram, Fast Track Mahila Court, Tiruppur, for the offences under Sections 9 (i) (m) r/w.10 of Protection of Children from Sexual Offences Act, 2012 and sentenced to undergo rigorous imprisonment for 7 years and to pay a fine of Rs.5,000/- for each of the offences under Sections 9 (i) r/w.10 of Protection of Children from Sexual Offences Act, 2012 and under Section 9 (m) r/w.10 of Protection of Children from Sexual Offences Act, 2012 and in default of payment of fine, the accused has to undergo additional rigorous imprisonment for one year for each of the above offences. Now, the petitioner/accused seeks to suspend the above said sentence.

2. Learned counsel appearing for the petitioner has drawn my attention to the evidence of P.Ws.5, 6, 8 and 10 and also drawn my attention to certain discrepancies in respect of the Accident Register copy and the alleged location of injury as spoken to by the victim girl.

3. Heard the learned Government Advocate (Crl.Side) appearing for the State.

4. After going through the records and also taking into consideration of the certain material contradiction as alleged by the petitioner/accused and also with regard to the charges levelled against him, this Court is inclined to suspend the sentence imposed by the trial Court.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on his executing 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 Magalir Neethimandram, Fast Track Mahila Court, Tiruppur, and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m till the disposal of the appeal.

-sd/-
22/06/2018

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 MAGALIR NEETIMANDRAM /
FAST TRACK MAHILA COURT, TIRUPUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUPUR SOUTH, TIRUPUR CITY.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1C.C. to M/S.P.M.DURAI SWAMY Advocate on payment of necessary
charges IN SR.NO. 11367

Order

in
CRL MP.5670/2018

in
CRL A.235/2018

Date :22/06/2018

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MLT-25/06/2018