

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Fourth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.7071 of 2018

IN CRL A.119/2017

KRISHNAMURTHY

[PETITIONER]

Vs

THE STATE REP. BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
JAYANKONDAM, ARIYALUR DISTRICT.
CR.NO.9 OF 2016

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.119/2017 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by a judgment dated 03.01.2017 made in Special S.C.No.21 of 2016 by the Fast Track Mahila Court, Ariyalur and to release the petitioners on bail pending disposal of the Crl.A.No.119 of 2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.119/2017 on the file of the High Court and upon hearing the arguments of M/S.C.PRABAKARAN, Advocate for the petitioner and of M/S.V.SARATHA DEVI, GOVERNMENT ADVOCATE [CRL.SIDE] on behalf of the Respondent the court made the following order:-

The learned counsel for the petitioner has submitted that A1 to A4 are already released on bail and A10 found guilty under Sections 9 and 4 of Prohibition of Child Marriage Act 2006 and Section 4 of the POCSO Act and Section 323 I.P.C and determination of the child victim is not in accordance with law and there is no positive evidence in proof of the same except P.W.2 who speaks about the evidence and the petitioner seeks suspension of sentence.

2. The learned Government Advocate (crl.side) has submitted that the P.W.2 in his evidence have categorically spoken about the victim of marriage as extracted by the trial Court and also with regard to the age, they have marked Exhibits P9 to P14 namely, School certificate of the victim girl, School Admission Register of the victim girl (certified copy), Transfer Certificate of the victim girl (certified copy), First Information Report, Section Alteration Report and Addition of accused report and my attention was also drawn on the medical evidence of the Doctor Banumathi, P.W.13.

3. After going through the evidence of P.W.2 and the medical evidence of another connected records, I am not inclined to suspend the sentence for the present. This Criminal Miscellaneous Petition is dismissed for the present with liberty to move at a later point of time.

-sd/-
24/07/2018

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 FAST TRACK MAHILA COURT,
ARIYALUR.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
JAYANKONDAM, ARIYALUR DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

C.C. to M/S.C.PRABAKARAN Advocate on payment of necessary charges

Order

in
CRL MP.7071/2018

in
CRL A.119/2017

Date :24/07/2018

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

MLT-31/07/2018