

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirty First day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice N. SATHISH KUMAR

CRIMINAL MISCELLANEOUS PETITION No.7392 of 2018

IN CRL A.311/2018

KARTHICK

[PETITIONER / APPELLANT / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
W-22 ALL WOMEN POLICE STATION,
CHENNAI.
CR.NO.3 OF 2016

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.311/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the learned Special Court for cases under Protection of Children from Sexual Offences Act 2012 in S.C.No.249 of 2016 dated 08.05.2018 and release the petitioner on bail till the disposal of the CRL A.311/2018 [IN CRL.MP.NO.7392 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.311/2018 on the file of the High Court and upon hearing the arguments of M/S.R.C.PAUL KANAGARAJ, Advocate for the petitioner and of M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The appellant was convicted for an offence under Section 12 of Protection of Children from Sexual Offences Act 2012 and sentenced to undergo one year simple imprisonment and imposed with a fine of Rs.5,000/- in default to undergo further period of 3 months simple imprisonment, by the learned Sessions Judge, Mahila Court, Mahalir Neethimandram, at Chennai, under judgment dated 08.05.2018 in Special Case No.249 of 2016.

2.This miscellaneous petition has been filed seeking suspension of sentence.

3.Learned counsel for the appellant would submit that there are several infirmities and inconsistencies in the prosecution case.

4.Heard the learned Additional Public Prosecutor on the submissions made by the learned counsel for the appellant.

5. Taking into consideration the submissions of learned counsel for the appellant 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 appellant herein may be granted the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the appellant is directed to be enlarged on bail on condition that the appellant 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 Sessions Judge, Mahila Court, Mahalir Neethimandram, at Chennai and on further condition that the appellant shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-
31/05/2018

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,
MAHILA COURT, MAHALIR NEETHIMANDRAM,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
W-22 ALL WOMEN POLICE STATION,
CHENNAI.

+1C.C. to M/S.R.C.PAUL KANAGARAJ Advocate on payment of
necessary charges SR NO.9881

Order

in
CRL MP.7392/2018

in
CRL A.311/2018

Date :31/05/2018

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MK:05/06/2018