

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.8278 of 2018

IN CRL A.346/2018

ANNAMALAI

[PETITIONER]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VELLORE, VELLORE DISTRICT.
CR.NO.05 OF 2015.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.346/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence of imprisonment imposed in the judgment dated 24.04.2018 made in S.S.C.No.45 of 2015 on the file of the Sessions Judge Magalir Neethi Mandram (Fast Track Mahila Court) At Vellore and enlarge the petitioner on bail pending disposal of the above Criminal Appeal NO.346 of 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.346/2018 on the file of the High Court and upon hearing the arguments of M/S.S.PARTHEEBAN, Advocate for the petitioner and of MR.R.SURYA PRAKASH, GOVERNMENT ADVOCATE on behalf of the Respondent the court made the following order:- सत्यमेव जयते

Learned counsel appearing for the petitioner would submit that the petitioner is the sole accused in Spl.S.C.No.45 of 2015 and he has been convicted by the learned Sessions Judge, Mahalir Neethi Mandram, (Fast Track Mahila Court), Vellore, by judgment dated 24.04.2018 for the offence under Section 363 of IPC and sentenced him to undergo one year rigorous imprisonment and to pay a fine amount of Rs.1,000/-, in default to undergo one month simple imprisonment; convicted for the offence under Section 366 of IPC and sentenced him to undergo two years rigorous imprisonment and to pay a fine amount of Rs.2,000/-, in default to undergo two months simple imprisonment; convicted for the offence under Section 6 r/w. 5 (m) of POCSO Act, and sentenced him to undergo ten years rigorous imprisonment and to pay a fine amount of Rs.3,000/-, in default to undergo three months simple imprisonment and all the sentences were ordered to run concurrently. As against the said conviction and sentence imposed by the trial court, the present criminal appeal is filed by the accused

and now the petitioner/Accused seeks to suspend the sentence imposed on him pending disposal of the above criminal appeal.

2. The case of the prosecution is that on 19.04.2015 at about 6.30 p.m., at Saidapettai, Suruttukara Street, Vellore, in front of the house of the de facto complainant, while the child Saranya was playing, the accused with an intention to have illicit intercourse with the child Saranya kidnapped her from the lawful guardianship of her parents to an unused municipality toilet, situated in the same street in fraudulent manner and promised her to give chocolate, took the said victim child Saranya to the above said toilet and committed penetrative sexual assault on her.

3. The prosecution witnesses were examined as P.Ws.1 to 5 and medical witnesses were examined as P.Ws.6, 7 and 8 and the police witnesses were examined as P.Ws.9 to 12 and documents Exs.P.1 to 12 were marked.

4. The trial Court, after considering the evidence of P.W.2, the victim child and P.Ws.1 and 3, parents of the victim coupled with the medical evidence of the Doctors, came to a conclusion that the accused has committed the offence and hence, convicted and sentenced him as stated supra.

5. In view of the specific evidence of P.W.2 coupled with the evidence of P.Ws.7 and 8, I am not inclined to grant suspension of sentence to the petitioner for the time being and hence, this miscellaneous petition, seeking suspension of sentence pending disposal of the appeal, is dismissed. However, the petitioner/accused is at liberty to move the Court 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 SESSIONS JUDGE,
MAHALIR NEETHI MANDRA,
(FAST TRACK MAHILA COURT),
VELLORE.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VELLORE, VELLORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

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

Order

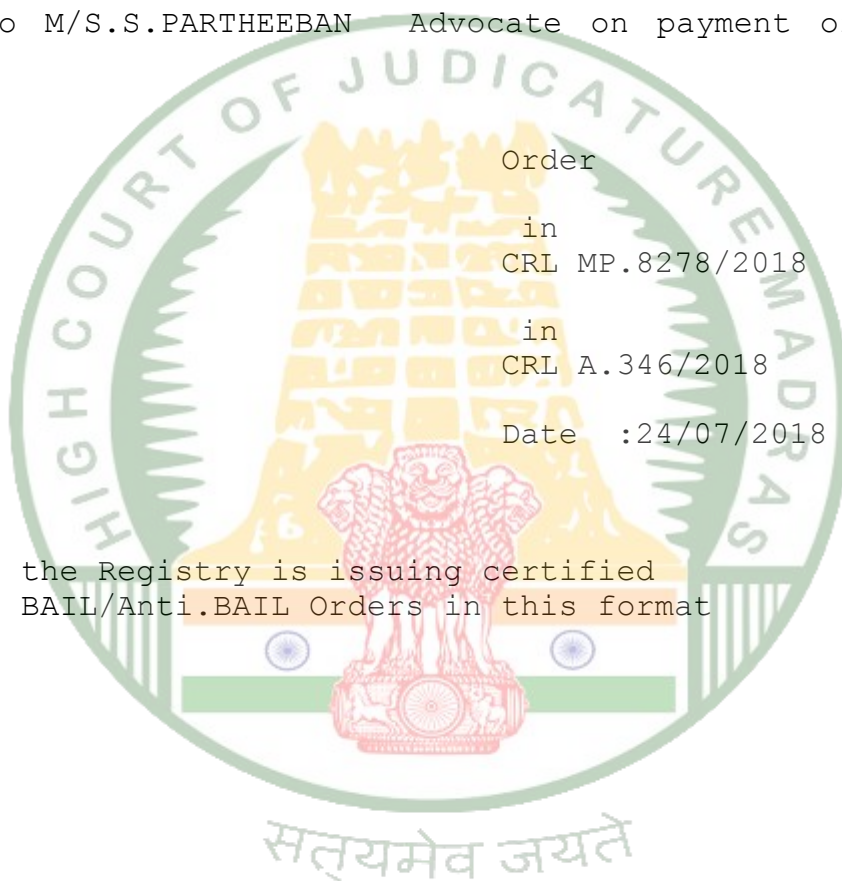
in
CRL MP.8278/2018

in
CRL A.346/2018

Date :24/07/2018

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MLT-01/08/2018



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