

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice C. T. SELVAM

CRIMINAL MISCELLANEOUS PETITION No.93 of 2018

IN CRL A.14/2018

PAZHANIVEL,

[PETITIONER/APPELLANT/ACCUSED]

Vs

INSPECTOR OF POLICE

[RESPONDENT]

W-21, ALL WOMEN POLICE STATION,
GUINDY, CHENNAI-32.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.14 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the Special Court for Cases Under POCSO Act 2012/Mahila Court, Chennai 104 in S.C.No.211/2016, and enlarge the Petitioner on bail pending disposal of the above said CRL.A.NO.14 OF 2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.14 of 2018 on the file of the High Court and upon hearing the arguments of M/S.J.WILLIAM SHAKESPIRE, Advocate for the petitioner and of MR. V.ARUL, ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Petitioner faced trial in S.C.No.211 of 2016 on the file of learned Sessions Judge, Mahila Court, (Mahalir Neethimandram), Chennai. Trial Court, under judgment dated 18.12.2017, convicted petitioner/accused for offences u/s.10 of The Protection of Children from Sexual Offences Act, 2012 and sentenced him to undergo 5 years S.I and to pay a fine of Rs.5,000/- in default to undergo further period of 6 months S.I. There against, the present appeal has been filed. This miscellaneous petition has been filed seeking suspension of sentence.

2. Learned counsel for petitioner would submit that there are several infirmities and inconsistencies in the prosecution case. Learned counsel further informs that petitioner is now confined at Central Prison, Puzhal, Chennai.

3. Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioner.

4. Taking into consideration the submissions of learned counsel for petitioners as also Exs.P7 and P8, this Court is of the view that petitioner herein may be granted the relief of suspension of sentence.

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

-sd/-
09/01/2018

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 SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
W-21, ALL WOMEN POLICE STATION,
GUINDY, CHENNAI-32.

+1 C.C. to M/S.J.WILLIAM SHAKESPHERE Advocate on payment of
necessary charges -Sr.409

Order

in
CRL MP.93/2018

in
CRL A.14/2018

Date :09/01/2018

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ths : 09.01.2018