

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirtieth day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.14139 of 2018

IN CRL.A.NO.645/2018

LOGANATHAN

[PETITIONER/APPELLANT/ACCUSED]

Vs

STATE REP. BY
INSPECTOR OF POLICE,
MOOLANUR POLICE STATION,
TIRUPPUR DISTRICT.
CR.NO.339 OF 2017.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.645 OF 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioner by the Learned Magalir Needhi Mandram (Fast Track-Mahila Court), Tiruppur, in Special S.C.No.8 of 2018 by order dated 25.9.2018 pending disposal of C.A.No.645 of 2018 on the file of this Hon'ble Court.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.645 of 2018 on the file of the High Court and upon hearing the arguments of M/S.C.RAMKUMAR, Advocate for the petitioner and of Mrs.V.SARATHA DEVI, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

The petitioner/sole accused was convicted by the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur, in Special S.C.No.8 of 2018 dated 25.09.2018 for the offences under Sections 448 and 506 (ii) (2 counts) IPC and Section 7 r/w. 8 of Protection of Children from Sexual Offences Act, 2012 and sentenced him to undergo rigorous imprisonment for one year for the offence under Section 448 IPC; sentenced him to undergo rigorous imprisonment for five years for each count for the offence under Section 506 (ii) IPC and sentenced him to undergo rigorous imprisonment for five years and to pay a fine of Rs.10,000/-, in default of payment of fine, the accused has to undergo additional rigorous imprisonment for one year for the offence under Section 7 r/w. 8 of Protection of Children from Sexual Offences Act, 2012 and the above sentences were ordered to run concurrently. As against the said conviction and sentence passed by the trial Court, the accused had preferred the above criminal appeal and pending appeal, he seeks

to suspend the sentence imposed on him.

2. The case of the prosecution is that on 13.11.2017 at about 20.00 hours, the accused went to the house of the victim girl in a Tata Ace Van, trespassed into the house, pulled the victim by hand and uttered filthy language stating that he will get marry her to Nithish Kumar and when she refused, the accused tried to kidnap her and at that time, the accused uttered filthy language and assaulted her. In the meanwhile, the father of the victim girl and others, who were nearby, have come and rescued the victim girl and hence, the prosecution laid charges under Sections 448 and 506 (ii) (2 counts) IPC and Section 7 r/w. 8 of Protection of Children from Sexual Offences Act, 2012 against the accused and after trial, conviction has been laid.

3. Learned counsel appearing for the petitioner/accused drawn my attention to the evidence of P.W.1/victim girl and her father P.W.2 and independent witness P.W.3-Sakthivel.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent and perused the records.

5. After going through the records and also the evidence on material contradiction in respect of the charge under Section 7 r/w. 8 of Protection of Children from Sexual Offences Act, I am inclined to grant suspension of sentence to the petitioner pending appeal subject to the following conditions:-

[i] The petitioner shall 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 Judicial Magistrate, Dharapuram;

[ii] The petitioner shall deposit a sum of Rs.25,000/- [Rupees Twenty Five Thousand only], to the credit of Special S.C.No.8 of 2018 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur, within a period of two weeks from the date of receipt of a copy of this order and on further condition that

[iii] the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. until further orders.

-sd/-
30/10/2018

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 JUDICIAL MAGISTRATE,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE SESSIONS JUDGE,
MAGALIR NEETHIMANDRAM
(FAST TRACK MAHILA COURT),
TIRUPPUR.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
MOOLANUR POLICE STATION,
TIRUPPUR DISTRICT.

+1 C.C. to M/S.C.RAMKUMAR Advocate on payment of necessary charges-Sr.20490

Order

in
CRL MP.14139/2018
IN CRL.A.NO.645/2018
Date :30/10/2018

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