

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.15873 of 2018

IN CRL.A.NO.762/2018

1 RAJENDRAN [PETITIONERS/ACCUSED]
2 SELVI
3 KARNAN
4 CHITRA @ MERI

Vs

THE STATE REP BY [RESPONDENT]
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAMAKKAL.(SENDAMANGALAM POLICE STATION,
CR.NO.78 OF 2016,
NAMAKKAL DISTRICT.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.762 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 Sessions Judge, (Fast Track Mahila Court) Namakkal in Spl.CC.No.38 of 2016 by judgment dt.20.11.2018 pending disposal of the appeal and enlarged on bail.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.762 of 2018 on the file of the High Court and upon hearing the arguments of MR.B.VASUDEVAN, 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:-

Petitioners 1 to 3 were convicted for offences u/s. 366(A) r/w 109 I.P.C. and were imposed sentence to undergo 7 years R.I. and fine of Rs.2,000/- in default to undergo R.I. for 6 months and they were convicted under Section 5(1) r/w 6 r/w 17 of POCSO Act 2012 and were imposed sentence to under 10 years R.I. and fine of Rs.3,000/- in default to undergo R.I. for 8 months. The fourth petitioner was convicted u/s. 5(1) r/w 6, 17 of POCSO Act 2012 and was imposed sentence to undergo 10 years R.I. and fine of Rs.3,000/- in default to undergo R.I. for 8 months by learned Sessions Judge, (Fast Track Mahila Court), Namakkal in Spl.C.C.No.38/2016 by judgment dated 20.11.2018. The Trial Court directed that sentences run concurrently. Hence, petitioners seek suspension of sentence.

2. Learned counsel for petitioners would submit that the petitioners 1 and 3 are confined in Central Prison, Coimbatore and the petitioners 2 and 4 are confined in Women Jail, Coimbatore and there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses. Learned counsel further submits that the petitioners have paid the fine amount.

3. Heard learned Government Advocate (CrI.Side) on the submissions made by learned counsel for petitioners.

4. Considering the facts and circumstances of the case and in view of the fact that the petitioners have been in custody, that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by learned counsel for petitioners, and further the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail on condition that the petitioners shall execute 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 Sessions Judge, (Fast Track Mahila Court), Namakkal and on further condition that the petitioners shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

06/12/2018

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,
(FAST TRACK MAHILA COURT), NAMAKKAL.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE SUPERINTENDENT,
WOMEN JAIL, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAMAKKAL.(SENDAMANGALAM POLICE STATION,
NAMAKKAL DISTRICT.

+1 C.C. to M/S.B.VASUDEVAN Advocate on payment of necessary
charges-Sr.23518

Order

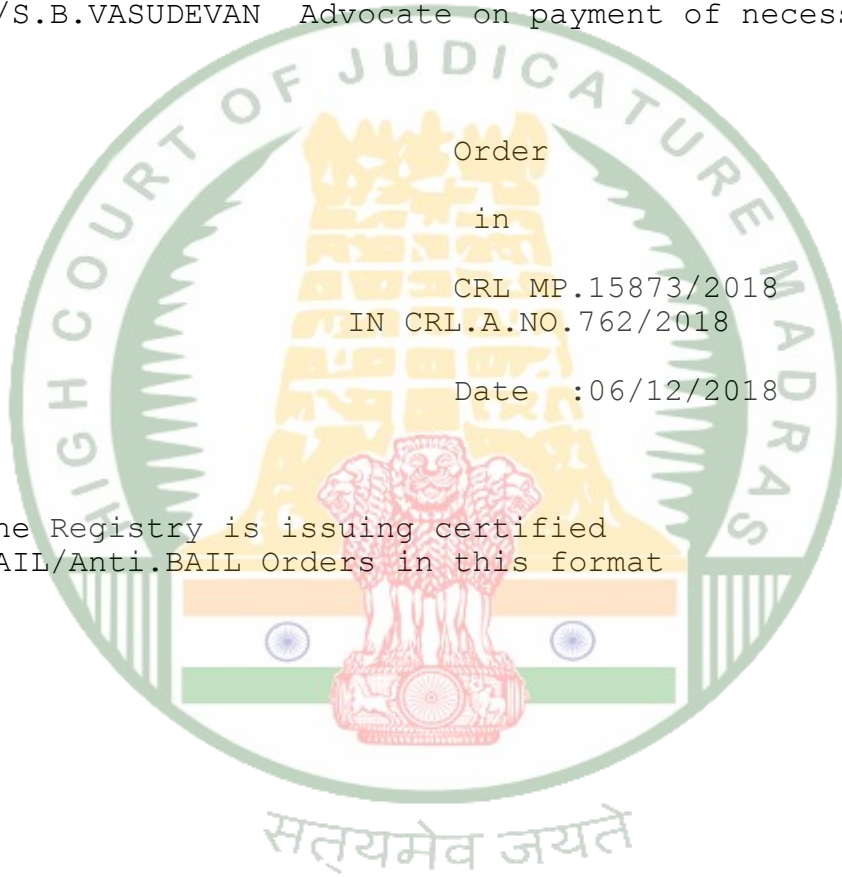
in

CRL MP.15873/2018

IN CRL.A.NO.762/2018

Date :06/12/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
ths : 10.12.2018



WEB COPY