



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Sixteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP (MD) No.882 of 2018
IN
CRL RC (MD) No.77 of 2018

GOPALAKRISHNAN

... PETITIONER/PETITIONER

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
VELLIANAI POLICE STATION,
VELLIANAI, KARUR DISTRICT.
IN CRIME NO.94 OF 2012.

... RESPONDENT/RESPONDENT

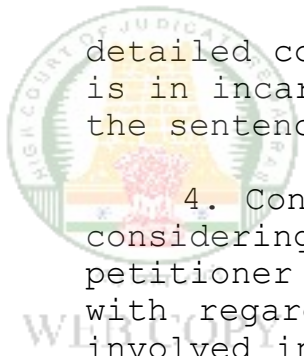
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence in Crl.A.No.6 of 2013 on the file of the Mahila Court, Karur, dated 15.07.2014 confirming the judgment in S.C.No.73 of 2012 on the file of the Assistant Sessions Judge, Karur, dated 02.02.2013.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.GOKUL RAJ, Advocate for the petitioner and of MRS.S.BHARATHI, Government Advocate (Crl.side) on behalf of the Respondent the court made the following order:-

The petitioner has been convicted in S.C.No.73 of 2012, by the learned Assistant Sessions Judge, Karur, on 02.02.2013, for the offence under Section 376 I.P.C., and sentenced to undergo seven years rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo six months rigorous imprisonment. Challenging the conviction and sentence, the petitioner filed an appeal in Crl.A.No.6 of 2013 before the Mahila Fast Track Court, Karur and the same was dismissed on 15.07.2014. Challenging the conviction and sentence the petitioner has filed the present Criminal Revision Case with a delay of 1159 days, which has been condoned by this Court in Crl.M.P. (MD) No.11487 of 2017 on 25.01.2018. Since 02.02.2013, the petitioner is in jail and hence, the petitioner has filed the present application for suspension of sentence and bail.

2. Heard Mr.S.Gokul Raj, learned counsel for the petitioner and Mrs.S.Bharathi, learned Government Advocate (Criminal side) for the respondent.

3. The learned counsel for the petitioner has raised substantial points in the memorandum of revision, which require a



detailed consideration by this Court. It is seen that the petitioner is in incarceration for the last four years, which is more than half the sentence, which has been imposed upon him by the Courts below.

4. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner that there are several infirmities in the prosecution with regard to the petitioner and that there are arguable points involved in the revision and further, the revision is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Assistant Sessions Judge, Karur and on further condition that:

- (i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (ii) the petitioner shall appear before the Trial Court on the first working day of every month until the disposal of the revision and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

sd/-
16/03/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDGE, MAHILA FAST TRACK COURT, KARUR.
 - 2 THE ASSISTANT SESSIONS JUDGE, KARUR.
 - 3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.
 - 4 THE INSPECTOR OF POLICE,
VELLIANAI POLICE STATION, VELLIANAI, KARUR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.S.GOKUL RAJ Advocate SR.No.4247

ORDER IN
CRL MP(MD) No.882 of 2018 IN
CRL RC(MD) No.77 of 2018
Date :16/03/2018