



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

Wednesday, the Twenty Sixth day of September Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.M.SUNDRESH
and
The Hon`ble Mr.Justice N.SATHISH KUMAR

CRL MP(MD) No.9749 of 2017
IN
CRL A(MD) No.424 of 2017

VELLAICHAMY
(NOW DETAINED IN CENTRAL
PRISON, TRICHY)

... PETITIONER/APPELLANT/SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KEERANUR, PUDUKKOTTAI DISTRICT.
(IN CRIME NO.8 OF 2014)

... RESPONDENT/RESPONDENT/COMPLAINANT

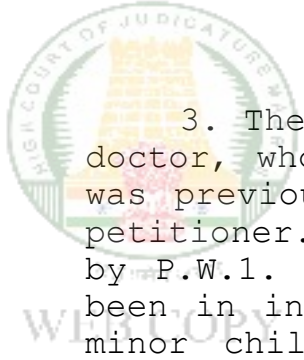
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of imprisonment alone in Spl.S.C.No.11 of 2014 dated 29.06.2015 on the file of the Learned Principal Sessions Judge, (Mahila Court), Pudukkottai, Pudukkottai District and enlarge the petitioner on bail till the disposal of the Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.E.SOMASUNDARAM, Advocate for the petitioner and MR.S.CHANDRASEKAR, Additional Public Prosecutor, on behalf of the Respondent the court made the following order:-

[Order of the Court was made by **M.M.SUNDRESH, J.**]

The petitioner has been arrayed as accused in Spl.S.C.No.11 of 2014 for the offences under Sections 5(i) and 5(m) of the Protection of Children from Sexual Offences Act, 2012 and Section 506(i) IPC.

2. The occurrence was on 30.08.2014. The case of the prosecution is that the petitioner went into the house of P.W.1 and committed the offence. The Trial Court convicted the petitioner for the maximum punishment of life imprisonment.



3. The learned counsel for the petitioner would submit that the doctor, who attended the victim girl, has not been examined. There was previous enmity between the family of the victim girl and the petitioner. There are material contradictions in the evidence given by P.W.1. P.W.5 and P.W.6 have turned hostile. The petitioner has been in incarceration for more than four years and he has got two minor children aged about 7 and 5 to take care of. Therefore, sentence imposed will have to be suspended.

4. The learned Additional Public Prosecutor would submit that the evidence of P.W.1 is very clear. The doctor has also found injuries. Thus, he prayed for dismissal of this petition.

5. Considering the facts and circumstances of the case and the submission of both sides and also considering the fact there are arguable points involved in this appeal and the petitioner has been in incarceration for more than four years and he has to take care of two minor children, we deem it appropriate to suspend the substantive portion of sentence imposed on the petitioner.

6. Accordingly, the present Miscellaneous Petition is allowed and substantive sentence of imprisonment alone is suspended in respect of the petitioner/sole accused and he is directed to be enlarged on bail on condition that he 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 District Munsif -cum- Judicial Magistrate, Keeranur, Pudukkottai District, and on further condition that petitioner shall report before the said Court once in a month i.e., on the first working day of every English Calendar month at 10.30 a.m. pending appeal.

sd/-
26/09/2018

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

TO

1. THE PRINCIPAL SESSIONS JUDGE,
(MAHILA COURT), PUDUKKOTTAI,
PUDUKKOTTAI DISTRICT.

2. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KEERANUR, PUDUKKOTTAI DISTRICT

<https://hcservices.ecourts.gov.in/hcservices/>
3. THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT



4. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KEERANUR, PUDUKKOTTAI DISTRICT

5. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to Mr.E.SOMASUNDARAM, Advocate SR.No.18446

ORDER
IN
CRL MP (MD) No.9749 of 2017
IN
CRL A (MD) No.424 of 2017
Date :26/09/2018

AE/PN/SAR2/01.10.2018/3P/8C