



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

Monday, the Eleventh day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice C.T.SELVAM
and

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP (MD) No.3238 of 2018

IN

CRL A(MD) No.199 of 2018

S.GANESAN,

... PETITIONER/APPELLANT/
ACCUSED NO.1

Vs

THE STATE, THROUGH
THE INSPECTOR OF POLICE,
KULITHALAI ALL WOMEN POLICE STATION,
KARUR DISTRICT.
IN CR.NO.02/2016.

... RESPONDENT/RESPONDENT/
COMPLAINANT

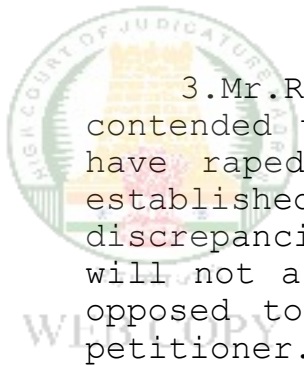
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the Petitioner/Appellant by Mahalir Fast Track Court, Karur in S.C.No.60/2016 dated 25/10/2016 and enlarge the petitioner on bail pending disposal of the above Crl.A. on the file of this Honourable Court.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.A. HAJA MOHIDEEN, Advocate for the petitioner and of MR.R.ANANDHArAj, Additional Public Prosecutor for the Respondent the court made the following order:-

[Order of the Court made by **C.T.SELVAM, J.**]

Petitioner, arrayed as first accused in S.C.No.60 of 2016 on the file of Mahalir Fast Track Court, Karur, under judgment dated 25.10.2016 has been convicted for offences u/s.5(n) r/w 6 of Protection of Children from Sexual Offences Act, 2012 and sentenced to undergo life imprisonment and fine of Rs.1000/- i/d to undergo imprisonment for a period of one month R.I. Petitioner has come forward with the above miscellaneous petition seeking relief of suspension of sentence pending appeal.

2.The learned counsel for petitioner submits that the complaint has been preferred 3 months after the alleged occurrence.



3.Mr.R.Anandaraj, learned Additional Public Prosecutor, contended that the petitioner / A1 the father as also A2 / uncle, have raped a minor girl, aged 12 years and the prosecution has established its case beyond all reasonable doubt and the minor discrepancies found in the evidence of the prosecution witnesses will not affect the prosecution case in its entirety. He strongly opposed to the grant of the relief of suspension of sentence to petitioner.

4. Considering the facts and circumstances of the case, this Court is not inclined to entertain the Criminal Miscellaneous petition. Accordingly, the same shall stand dismissed.

sd/-
11/06/2018

/ TRUE COPY /

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

TO

- 1 THE JUDGE MAHALIR FAST TRACK COURT, KARUR
- 2 THE INSPECTOR OF POLICE,
KULITHALAI ALL WOMEN POLICE STATION, KARUR DISTRICT.
- 3 THE SUPERINTENDENT, CENTRL PRISON, TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.A. HAJA MOHIDEEN Advocate SR.No.10150

GJM/PN/VK/14.6.18-2P-6C

ORDER
IN
CRL MP(MD) No.3238 of 2018
IN
CRL A(MD) No.199 of 2018
Date :11/06/2018