



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

Thursday, the Seventeenth day of May Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

CRL MP(MD) No.3626 of 2018

IN

CRL A(MD) No.240 of 2018

SUBBAIYAN

...APPELLANT/ACCUSED

Vs

STATE BY
THE INSEPCTOR OF POLICE
ALL WOMEN POLICE STATION,
NAGERCOIL,
KANNIYAKUMARI DISTRICT
CRIMENO.5/2016

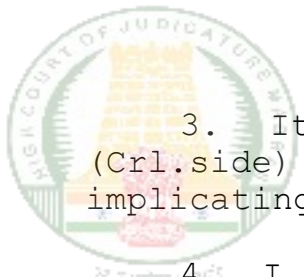
...RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the substantive sentence of imprisonment imposed on the appellant by the court of sessions (Fast Track Mahila Court) Kanyakumari District at Nagercoil) in S.S.C.No.19/2016 by its judgement dated 17.04.2018 and enlarge him on bail pending 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.A.ARUN PRASAD, Advocate for the petitioner and of the PUBLIC PROSECTOR, on behalf of the Respondent, while admitting the case this court made the following order:-

The petitioner has been convicted by the learned Sessions Judge (Fast Track Mahila Court), Kanyakumari District at Nagercoil in S.S.C.No.19 of 2016 and sentenced to undergo rigorous imprisonment for 2 years and to pay a fine of Rs.25,000/-, in default to undergo rigorous imprisonment for 1 month for an offence under Section 11 (iii) r/w.12 of POCSO Act. He was acquitted from the charge under Section 8 of POCSO Act and Section 506(i) of IPC. Against which, the petitioner has filed the criminal appeal and in order to suspend the sentence, the present Miscellaneous Petition is filed.

2. It is submitted by the learned counsel for the petitioner that there are several infirmities and inconsistencies in the prosecution case. It is contended that there are contradictions in material particulars.



3. It is submitted by the learned Government Advocate (Crl.side) that there are enough materials available on record for implicating the petitioner herein.

4. I have carefully considered the rival contentions put forward by either side and also perused the impugned judgment of conviction.

5. The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in the prosecution case and also certain contradictions in material particulars between the evidence of prosecution witnesses and there are arguable points involved in this appeal 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 petitioner herein is entitled to the relief of grant of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that he executes 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), Kanyakumari District at Nagercoil and on further condition that the petitioner shall appear before the said Court on the first working day of every English Calendar month at 10.30 a.m. pending disposal of the appeal.

sd/-

17/05/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE SESSIONS JUDGE (FAST TRACK MAHILA COURT)
KANYAKUMARI DISTRICT AT NAGERCOIL

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. C.C. to M/S.A.ARUN PRASAD Advocate SR.No.8980

ORDER IN

CRL MP(MD) No.3626 of 2018 IN

CRL A(MD) No.240 of 2018

Date :17/05/2018

LS/AKV