



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

Wednesday, the First day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL MP (MD) No.4942 of 2018

IN

CRL A (MD) No.290 of 2018

PRABU

... PETITIONER/APPELLANT/SOLE
ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
KODAIKANAL ALL WOMEN POLICE STATION,
KODAIKANAL,
DINDIGUL DISTRICT.
Crime No.1 of 2013

... RESPONDENT/RESPONDENT/
COMPLAINANT

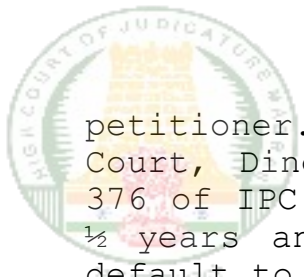
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed against me in Spl.S.C.No.7/2014 on the file of the Honourable Fast Track Mahila Court, Dindigul dated 23/03/2018 and release me on bail till the disposal of the above main Cr1.A

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.S.ABDUL RAHUYMAN, Advocate for the petitioner and of MR.K.SUYAMBULINGA BHARATHI, Government Advocate for the Respondent, While admitting the CRL.A, the court made the following order:-

Heard Mr.S.Abdul Rahuman, learned counsel appearing for the petitioner and Mr.K.Suyambulinga Bharathi, learned Government Advocate appearing for the respondent.

2.This petition is filed to suspend the sentence imposed by the learned Fast Track Mahila Court, Dindigul in Special S.C.No.7 of 2014, dated 23.03.2018, till the disposal of the Criminal Appeal.

3.The case against the petitioner is that on 26.08.2013 at about 9.00 a.m, he abducted the victim girl who is aged about 13 years and attempted to commit rape against her, thereafter the respondent police registered case in Crime No.01 of 2013 against the



petitioner. On completion of trial, the learned Fast Track Mahila Court, Dindigul found the petitioner guilty under Section 511 r/w 376 of IPC and sentenced him to undergo rigorous imprisonment for 3 ½ years and to pay a fine of Rs.1000/- (Rupees Thousand Only) in default to undergo rigorous imprisonment for six months.

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4. On the side of the petitioner, it is stated that the petitioner is in custody for the past 116 days and there is no independent witnesses. P.W.7 turned hostile and there are arguable points in the appeal and prayed to suspension of sentence till the disposal of the appeal.

5. On the side of the respondent, it is stated that the offence under the Protection of Children from Sexual Offence Act is made out, since the victim is a school going girl aged about 13 years. The prosecution has examined 16 witnesses and marked 12 documents and 3 material objects. The evidences of P.W.1 is corroborated by the evidences of P.Ws.2,3,5 to 7 and P.Ws.5 to 7 are school going children who accompanied P.W.2 at the time of occurrence. Though P.W.7 was declared hostile, he has deposed some material facts regarding the occurrence. P.W.2 recorded the evidences of P.W.1 under Section 164 of Cr.P.C. The age of the victim is proved by P.W.3 who is the Head Master of the school and he objected to grant suspension of sentence to the petitioner.

6. Records perused. The charge sheet was filed under Section 4 and 18 of Protection of Children from Sexual Offence Act and the learned Fast Track Mahila Court, Dindigul, convicted the accused under Sections 511 r/w 376 of IPC. Whether the offence was committed by the petitioner or whether the petitioner is not guilty can be decided by this Court only at the time of disposal of the appeal. The allegation against the petitioner is serious in nature and the victim girl is only 13 years old.

7. In the light of the above circumstances, this Court is not inclined to grant suspension of sentence to the petitioner at this stage. Therefore, the miscellaneous petition in CrI.M.P.(MD). No.4942 of 2018 is dismissed.

sd/-
01/08/2018

/ TRUE COPY /



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- 1.THE JUDEGE, FAST TRACK MAHILA COURT, DINDIGUL.
- 2.THE JUDICIAL MAGISTRATE, VALLIUR,
- 3.THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
- 4.THE INSPECTOR OF POLICE
KODAIKANAL ALL WOMEN POLICE STATION,
KODAIKANAL, DINDIGUL DISTRICT.
- 5.THE SUPERINTDENT, CENTRAL PRISON, MADURAI.
- 6.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP (MD) No.4942 of 2018
IN
CRL A (MD) No.290 of 2018
Date :01/08/2018

TK/MMS/SAR.4/09.08.2018/3P-7C