



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

Thursday, the Eighth day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL MP (MD) No.8748 of 2018

IN

CRL A (MD) No.479 of 2018

S.MURUGESAN

... APPELLANT/ACCUSED

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KULITHAI.

IN CRIME NO.8 OF 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 sentence and release the Appellant/ Accused on Bail pending disposal of the Criminal Appeal before this Honourable Court against the judgement in Special Sessions Case No.6 of 2018 on the file of the Additional Sessions Judge, (Fast Track Court) Karur dated 11/08/2018 on such terms and conditions as may be deemed fit and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.A.JOHN VINCENT, Advocate for the petitioner and of MR.R.ANANDHARAJ, Additional Public Prosecutor on behalf of the Respondent, while admitting the Crl.A., the court made the following order:-

The petitioner is arrayed as the first accused in Spl.S.C.No.6 of 2018 on the file of the learned Additional Sessions Judge, Fast Track Court, Karur and under judgment, dated 11.08.2018, he has been convicted for offence Sections 354 (D) (1)(i), 294(b),

323, 509 of IPC and Section 4 of TNPWH Act, 1998 and Section 12 of POCSO Act, 2012 and sentenced as follows:

Offence	Sentence
354(D)(1)(i) IPC	2 years R.I. and fine of Rs.500/- i/d 1 month S.I.
294(b) IPC	Fine of Rs.500/- i/d 1 month S.I.
323 IPC	6 months S.I. and fine of Rs.500/-i/d 1 month S.I.
509 IPC	1 year R.I. and fine of Rs.500/- i/d 1 month S.I.
Section 4 of TNPWH Act	1 year R.I. and fine of Rs.10,000/- i/d 6 months S.I.
Section 12 of POCSO Act	3 years R.I. and fine of Rs.500/- i/d 1 month S.I.

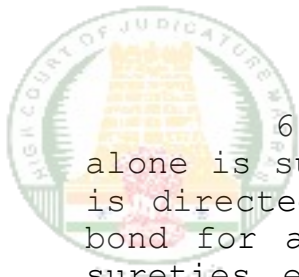
The petitioner has come forward with the above miscellaneous petition, seeking relief of suspension of sentence pending appeal.

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 Additional Public Prosecutor 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.5,000/- (Rupees Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional Sessions Judge, Fast Track Court, Karur and on further condition that the petitioner shall appear before the said Court on the first working day of every English Calender month at 10.30 a.m. until further orders.

7. Accordingly, this petition is ordered.

sd/-
08/11/2018

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

TO

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

+1. C.C. to Mr.A.JOHN VINCENT, Advocate SR.No.21280

ORDER
IN
CRL MP(MD) No.8748 of 2018
IN
CRL A(MD) No.479 of 2018
Date :08/11/2018

Ls
PK/PN/SAR-1/13.11.2018 : 3P/6C