



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

Tuesday, the Eleventh day of September Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL MP(MD) No.7212 of 2018

IN

CRL A(MD) No.401 of 2018

PRABAKARAN

... PETITIONER/APPELLANT

Vs

STATE REP. BY  
THE INSPECTOR OF POLICE,  
THIRUPPANANDAL POLICE STATION,  
THANJAVUR DISTRICT.  
(CR NO.195/2016)

... RESPONDENT/RESPONDENT

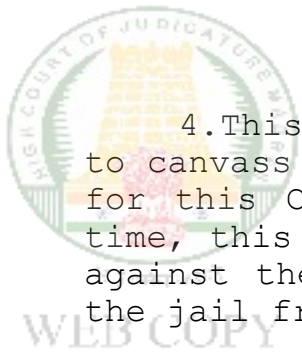
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of Imprisonment imposed by the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur (FAC) in S.S.C.NO.16 of 2017 by the judgment dated 14/08/2018 and enlarge the petitioner/Appellant on bail, pending disposal of the abovesaid Criminal Appeal 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 M/S.S.DEENADHAYALAN, Advocate for the petitioner and of Mr.M.CHANDRA SEKARAN, Additional Public Prosecutor for the respondent, the court made the following order:-

It is seen that originally charges were framed against the petitioner for an offence under Section 363 and 366 of IPC and Section 5(1) r/w Section 6 of POSCO Act 2012. But, however, the Court below found the petitioner guilty for an offence under Section 363 of IPC.

2.The evidence of the victim girl who was examined as PW13 clearly shows that the victim girl was not enticed or taken from the lawful guardianship of the minor. The victim had merely travelled in the van belonging to the petitioner and the van in question is a school van in which all the students were taken to the school by the petitioner.

3.The Court below has convicted the petitioner only on the ground that the victim girl was travelling in the van from her house to the school, at Kumbakonam and this fact by itself was put against the petitioner to convict him under Section 363 of IPC.



4.This Court finds that the petitioner has got strong grounds to canvass in the Criminal Appeal. That apart it will take some time for this Court to finally hear the Criminal appeal. In the mean time, this Court is of the considered view that the sentence imposed against the petitioner can be suspended. The petitioner is inside the jail from 14.08.2018 onwards till date.

5.The sentence imposed by the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur, in S.S.No.16 of 2017, by judgment, dated 14.08.2018, is hereby suspended and the petitioner is granted bail pending disposal of the appeal with the following conditions.

a) The petitioner is directed to execute a bond for a sum of Rs.5,000/- to the satisfaction of the Special Court with two sureties for a like sum.

b) The petitioner shall appear before the Sessions Court, Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur, once in three months on the first working day, pending disposal of the Criminal Appeal.

sd/-  
11/09/2018

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

TO

- 1 THE SESSIONS JUDGE,  
MAHALIR NEETHIMANDRAM  
(FAST TRACK MAHILA COURT), THANJAVUR.
- 2 THE INSPECTOR OF POLICE,  
THIRUPPANANDAL POLICE STATION,  
THANJAVUR DISTRICT.
- 3 THE SUPERINTENDENT,  
CENTRAL PRISON, TIRUCHIRAPALLI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.S.DEENADHAYALAN Advocate SR.No.17369

ORDER  
IN  
CRL MP (MD) No.7212 of 2018  
IN  
CRL A (MD) No.401 of 2018  
Date :11/09/2018