



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

Thursday, the Twenty Fifth day of October Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

WEB COPY

CRL MP(MD) Nos.7763 and 7764 of 2018
IN
CRL A(MD) No.449 of 2018

1 SELVARAJ
2 PALPANDI
3 SOUNDAR

... PETITIONERS 1 TO 3/APPELLANTS 1 TO 3
IN CRL MP(MD) No.7763 of 2018
IN CRL A(MD) No.449 of 2018

MARIAMMAL

... PETITIONER/ APPELLANT NO.4
IN CRL MP(MD) No.7764 of 2018
IN CRL A(MD) No.449 of 2018

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KANDAMANUR POLICE STATION,
RAJATHANI CIRCLE,
THENI DISTRICT.
CRIME NO.210/2015

... RESPONDENT/ RESPONDENT
IN BOTH THE PETITIONS

PRAYER IN CRL MP(MD) No.7763 of 2018 IN CRL A(MD) No.449 of 2018:

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) Theni in SSC.No.22/2016 by the Judgement dated 21/08/2018 and enlarge the petitioners/appellants 1 to 3 on bail, pending disposal of the above Crl.A.

Prayer in CRL MP(MD) . 7764/ 2018 IN CRL A(MD) No.449 of 2018:

To suspend the sentence of imprisonment imposed by the Learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court) Theni in SSC.No.22/2016 by the Judgement dated 21/08/2018 and enlarge the petitioners/appellants 1 to 3 on bail, pending disposal of the above Crl.A.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.M.KARUNANITHI, Advocate for the petitioners in both the petitions and of Mr.K.SUYAMULINGA BHARATHI, Government Advocate(Crl.Side) for the respondent in both the petitions, While admitting the CRL.A, the court made the following order:-



The appellants faced trial before the Court below for the offences under Section 366 of the IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012. The Court below has convicted the first appellant for the offences under Section 366 IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 and has imposed punishment of 10 years rigorous imprisonment for each of the offence and to pay a fine of Rs.5,000/- in default to undergo 2 years rigorous imprisonment. Insofar as the appellants 2 to 4 are concerned, they were convicted for the offence under Section 201 r/w Section 366 IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 and they were also given the same punishment.

2.A reading of the entire materials placed on record would reveal that there are sufficient grounds found against the first appellant by the Court below and therefore, this Court is not inclined to suspend the sentence insofar the first appellant is concerned and the petition stands dismissed insofar as the first appellant is concerned.

3.The learned counsel for the appellants has raised several arguable grounds insofar the appellants 2 to 4 are concerned. It will take some more time for this Court to take up the criminal appeal and to dispose of the same.

4.In the facts and circumstances of the case, the punishment of imprisonment imposed as against the appellants 2 to 4 are concerned, is hereby suspended and they are directed to be released on bail on the following conditions:

a) the appellants 2 to 4 shall execute a bond for a sum of Rs.10,000/- to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Theni, along with two sureties for a like sum;

b) the appellants 2 and 3 shall report before the Court below on the first working day of every month, pending disposal of the appeal;

c) the appellant 4 shall report before the Court below once in three months on the first working day, pending disposal of the appeal;

sd/-
25/10/2018

/ TRUE COPY /



TO

1. THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM (FAST TRACK MAHILA COURT),
THENI.

WEB COPY

2. THE INSPECTOR OF POLICE,
KANDAMANUR POLICE STATION,
RAJATHANI CIRCLE, THENI DISTRICT.

3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to Mr.M.KARUNANITHI Advocate SR.No.20283

ORDER IN

CRL MP(MD) Nos.7763 and 7764 of 2018
IN CRL A(MD) No.449 of 2018

Date :25/10/2018

MS/PN/SAR-3/26.10.2018/3P.6C