

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Second day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.7489 of 2019

IN CRL A.332/2019

TAMILARASAN

[PETITIONER]

Vs

STATE REPRESENTED BY

[RESPONDENT]

INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AVINASHI, TIRUPPUR DISTRICT.
CR.NO.6 OF 2016.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.332/2019 on the file of the High Court, the High Court will be pleased to suspend the conviction and sentence passed by the Learned Magalir Neethimandram (Fast Track Mahila Court) at Tiruppur and made in Spl.S.C.No.1 of 2018 judgement dated 24.09.2018 enlarge him on bail pending disposal of the above appeal.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.332/2019 on the file of the High Court and upon hearing the arguments of M/S.S.ANBURAJA Advocate for the petitioner and of MR.KRITIKA KAMAL.P Government Advocate[crl.side] on behalf of the Respondent the court made the following order:-

This is a petition to suspend the sentence imposed on the petitioner by the learned Sessions Judge (Fast Track Mahila Court), Tiruppur in Spl.S.C. No.1 of 2017 on 24.09.2018 and to enlarge the petitioner on bail.

2. The petitioner, who was an accused in Spl.S.C. No.1 of 2017 before the Sessions Judge (Fast Track Mahila Court), Tiruppur was convicted under Section 9(m) r/w 10 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to undergo seven years rigorous imprisonment and fine of Rs.10,000/-, in default to undergo one year rigorous imprisonment.

3. It is the case of the prosecution that the victim girl X was eight years and while she was playing ball with her friends, the ball went into the house of the accused, who was eighteen years. The accused used that as an opportunity to sexually assault X. X started blabbering in her dreams in the night, which was noticed by her mother. Thereafter, when her mother questioned her, X narrated what

the appellant had done to her. Even in the statement under Section 164 Cr.P.C. and in the Court, X has clearly stated as to how she was sexually assaulted by the appellant.

4. In the light of such material available on record, this is not a fit case, in which, suspension of sentence can be granted. Hence, this criminal miscellaneous petition is dismissed as being devoid of merits.

Registry is directed to call for the records and prepare the typed set of papers and post the main appeal in the usual course.

-sd/-

02/07/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE
FAST TRACK MAHILA COURT, TIRUPPUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AVINASHI, TIRUPPUR DISTRICT.

C.C. to M/S.S.ANBURAJA Advocate on payment of necessary charges

Order

in
CRL MP.7489/2019

in
CRL A.332/2019

Date :02/07/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 09/07/2019