

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twentieth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION Nos.4125 and 4127 of 2019

in CRL A.No.150 of 2019

PRAKASH

[PETITIONER / APPELLANT
in both petitions]

vs

STATE BY
INSPECTOR OF POLICE,
W-16, ALL WOMEN POLICE STATION,
PULIANTHOPE, CHENNAI-600 012.
CRIME NO.2 OF 2016.

[RESPONDENT
in both petitions]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.No.150 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence

(i) suspend the sentence imposed on the petitioner herein by the learned Judge of the Mahila Court/Special Court for Cases under POCSO ACT/Childrens Court/Chennai-600 104 in S.C.No.179/2017 by judgment dated 08.03.2019 and enlarge him on bail pending disposal of the above CRL A.No.150 of 2019 [CRL.M.P.No.4125 of 2019]

(ii) grant exemption of payment of Rs.5,00,000/- (Rupees five lakhs only) due and payable by the petitioner herein to the alleged victim girl [CRL.M.P.No.4127 of 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.No.150 of 2019 on the file of the High Court and upon hearing the arguments of M/S.S.MOHANA VADIVELAN, Advocate for the petitioner, in both petitions and of M/S.KRITIKA KAMAL .P Government Advocate on behalf of the Respondent, in both petitions the court made the following order:-

The petitioner/appellant was charged of the offences under Sections 376, 417 and 506(ii) I.P.C., but was acquitted of the charges under Sections 376 and 506(ii) I.P.C. and convicted for the charge under Section 417 I.P.C. and sentenced to undergo one year simple imprisonment and fine of Rs.5,00,000/- to be paid as compensation to the defacto complainant, vide judgment of the Mahila

Court / Special Court for cases under POCSO Act / Children's Court, Chennai dated 08.03.2019 in S.C.No.179 of 2017. Challenging the conviction and sentence, the appellant is before this Court. It is reported that the Trial Court has not suspended the sentence and the appellant/petitioner is undergoing incarceration from the date of the Trial Court's judgment i.e., 08.03.2019.

2. Heard Mrs.S.Mohana Vadivelan, learned counsel for the petitioner/appellant, Ms.Kriethika Kamal, learned Government Advocate (Crl.Side) and perused the materials.

3. Considering the fact that the appellant/petitioner is undergoing incarceration from 08.03.2019 ; that there are arguable points involved in this appeal and that the present appeal is not likely to be taken up for hearing in the near future, this Court is of the view that interest of justice will be served, if the petitioner is granted suspension of sentence and bail. Under such circumstances, suspension of sentence and bail are granted to the petitioner on the following conditions :

i.The petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the Mahila Court / Special Court for cases under POCSO Act, Chennai.

ii.The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass book to ensure their identity.

iii.The petitioner shall appear before the Mahila Court / Special Court for cases under POCSO Act, Chennai. on the first working day of every month until disposal of this appeal.

iv.On any particular date if the petitioner is not able to appear, leave is granted to the petitioner to file an application under Section 317 Cr.P.C. and appear before the Magistrate on any other day as determined by the Magistrate in lieu of the day on which he would absent.

v.As regards sentence of fine, the petitioner/appellant is directed to deposit Rs.1,00,000/- (Rupees One Lakh Only) to the credit of S.C.No.179 of 2017 before the Mahila Court / Special Court for cases under POCSO Act, Chennai.

vi. Only after the deposit of Rs.1,00,000/-, the sureties shall be accepted by the Trial Court.

4. These Miscellaneous Petitions are disposed of accordingly.

-sd/-
20/06/2019

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 MAHILA COURT/SPECIAL COURT
FOR CASES UNDER POCSO ACT,
CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
W-16, ALL WOMEN POLICE STATION,
PULIANTHOPE, CHENNAI-600 012

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

+1 C.C. to M/S.S.MOHANA VADIVELAN Advocate on payment of
necessary charges SR.NO.50569

सत्यमेव जयते Order

in
CRL MP.Nos.4125 & 4127 of 2019

in
CRL A.150/2019

Date :20/06/2019

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cm 20/06/2019