

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty First day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.10170 of 2019

IN CRL A.465/2019

R.RAJ KUMAR

[PETITIONER]

vs

THE STATE REP.BY
INSPECTOR OF POLICE,
NEDUNGADU POLICE STATION,
KARAIKAL.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.465/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence and conviction imposed on the petitioner/appellant herein by the learned Special Judge at karaikal on 28.02.2019 by Judgment made in C.C.No.11 of 2007 and enlarge the petitioners on bail pending disposal of the above criminal Appeal.[CRL.MP.NO.10170/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.465/2019 on the file of the High Court and upon hearing the arguments of M/S.R.SUNILKUMAR, Advocate for the petitioner and of MR.BHARTH CHAKRAAVARTHY PUBLIC PROSECUTOR, PONDICHERRY on behalf of the Respondent the court made the following order:-

The petitioner was prosecuted in Spl.S.C.No.6 of 2017 before the Special Judge (Magisterial Level), Karaikal for the offence under Section 8 of the Protection of Children from Sexual Offences Act, 2012 and by the judgement dated 28.02.2019, was convicted of the said offence and was sentenced to undergo three years rigorous imprisonment and fine of Rs.1,000/- in default, to undergo three months simple imprisonment.

2. It appears that the trial Court suspended the sentence under Section 389(3) Cr.P.C. for a period of 30 days, which was extended from time to time and ultimately, it expired on 24.04.2019. Challenging the conviction and sentence, the petitioner has filed the above appeal and Crl.MP.No.10170 of 2019 seeking suspension of sentence and bail.

3. It is reported that the petitioner surrendered before the trial Court on 19.08.2019 and is in incarceration since then.

4. Heard Mr.R.Sunilkumar, learned counsel for the petitioner and Mr.Bharath Chakravarthy, learned Public Prosecutor (Pondicherry) for the respondent.

5. The petitioner has raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the relief of suspension of sentence and bail.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be released on bail on the following conditions:

(a) The petitioner is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Special Judge, Karaikal.

(b) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Special Judge, Karaikal, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(c) The petitioner shall appear before the trial Court on the first working day of every month until disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

Accordingly, this Criminal Miscellaneous Petition is ordered.

-sd/-

21/08/2019

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 SPECIAL JUDGE
KARAIKAL

2 THE PUBLIC PROSECUTOR
PONDICHERRY

3 THE STATE REP.BY
INSPECTOR OF POLICE,
NEDUNGADU POLICE STATION,
KARAIKAL.

+1 C.C. to M/S.R.SUNILKUMAR Advocate on payment of necessary
charges SR.NO. 17433

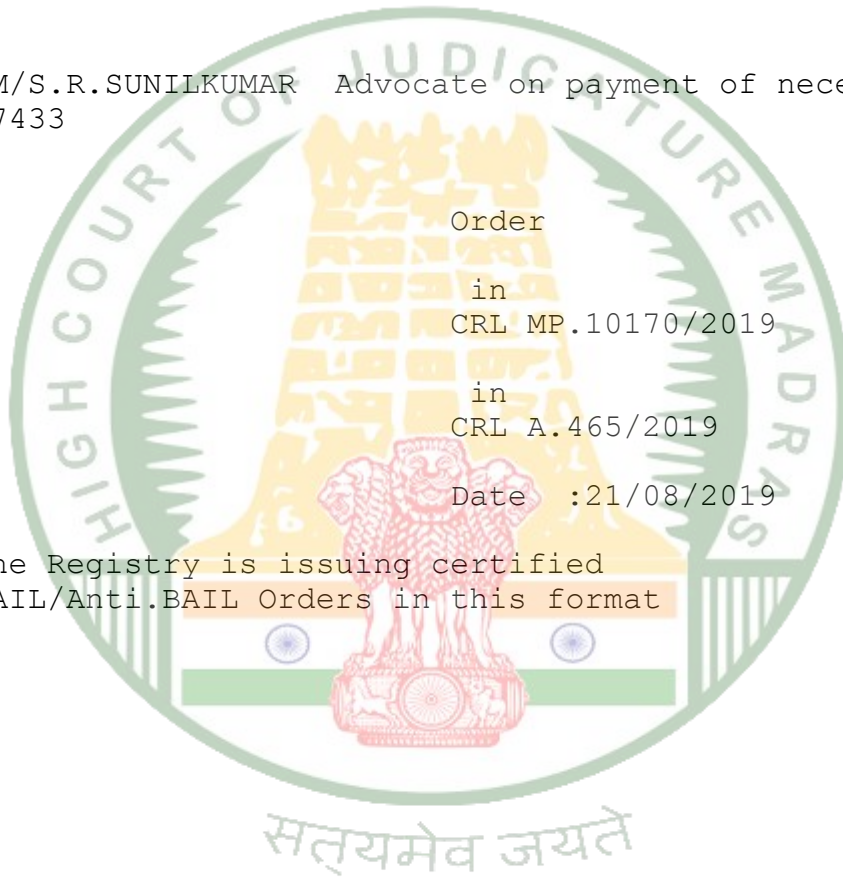
Order

in
CRL MP.10170/2019

in
CRL A.465/2019

Date :21/08/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 21/08/2019



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