

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Second day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M.M.SUNDRESH

and

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL MISCELLANEOUS PETITION No.11154 of 2019

IN CRL.A.NO.506 OF 2019

JOSEPH RAJA

[PETITIONER / APPELLANT]

Vs

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GOBICHETTIPALAYAM,
(KADATHUR POLICE STATION CRIME NO.209/2016)
ERODE DISTRICT.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.506 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed by the Additional Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Erode in S.S.C. No.11 of 2017 dated 06.11.2017 and enlarge him on bail, pending disposal of the above CRL.A.NO.506 OF 2019 [IN CRL.MP.NO.11154 OF 2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.506 OF 2019 on the file of the High Court and upon hearing the arguments of M/S.V.ARUL, Advocate for the petitioner and of MR.R.PRATHAP KUMAR ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

[Order of the Court was made by JUSTICE M.M.SUNDRESH]

The petitioner is A3 in S.C.No.11 of 2017 on the file of the learned Additional Sessions Judge, Magalir Neethi Mandram (Fast Track Court), Erode. There were 2 other accused in the case. After full-fledged trial, by judgement dated 06.11.2017, the learned Additional Sessions Judge has convicted the petitioner/appellant for offence under Sections 10 of the Prevention of Child Marriage Act and Section 6 and 17 of the Protection of Children from Sexual Offences Act and sentenced him to undergo rigorous imprisonment for two years and to pay a fine of Rs.10,000/- in default to suffer simple imprisonment for a further period of six months for offence under Section 10 of the Prevention of Child Marriage Act and to

undergo imprisonment for life and to pay a fine of Rs.10,000/- in default to simple imprisonment for a further period of two years for offence under Section 6 read with 17 of the Protection of Children from Sexual Offences Act. The sentence were ordered to run concurrently. Challenging the conviction and sentence the petitioner preferred an appeal in CrI.A.No.506 of 2019. Seeking suspension of sentence, the petitioner/appellant is before this court with this miscellaneous petition.

2. The case of the prosecution is that the petitioner has abetted the child marriage. A1 is the person, who is stated to have married the victim. The petitioner has also been under incarceration from 06.11.2017 onwards.

3. The learned counsel for the petitioner submitted that there are arguable points available in the appeal and the role of the petitioner is very limited even as per the case of the prosecution.

4. The learned Additional Public Prosecutor submitted that inasmuch as the offence has got attracted, the petition will have to be dismissed.

5. The petitioner has been under incarceration from 06.11.2017 onwards. His role is only to the extent of abetting. According to the case of the prosecution, he has taken up Thali and handed over the same to A1.

6. Considering the above, we are inclined to allow this petition. Accordingly, the substantive sentence of imprisonment alone is suspended on condition that the petitioner executes a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of Additional Sessions Judge, Mahila Court (Fast Track Court), Erode, and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.00 a.m., pending appeal.

-sd/-

22/08/2019

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 ADDITIONAL SESSIONS JUDGE,
MAGALIR NEETHIMANDRAM
[FAST TRACK MAHILA COURT],
ERODE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GOBICHETTIPALAYAM,
(KADATHUR POLICE STATION CRIME NO.209/2016),
ERODE DISTRICT.

+1C.C. to M/S.V.ARUL Advocate on payment of necessary charges
SR NO.17611

Order

in
CRL MP.11154/2019
in
CRL.A.506/2019

Date :22/08/2019

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MK:26/08/2019

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