

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of October Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice M.M.SUNDRESH

and

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL MISCELLANEOUS PETITION No.13290 of 2019

IN CRL.A.NO.617 OF 2019

AMUTHA

[PETITIONER]

Vs

THE STATE

[RESPONDENT]

REP. BY DY. SUPERINTENDENT OF POLICE,
CBCID, CUDDALORE.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.617 OF 2019 on the file of the High Court, the High Court will be pleased to suspend the execution of the sentence dated 04.01.2019 passed in S.C.No.20 of 2018 against the Petitioners/Appellants by The Learned Mahila Judge, Cuddalore and the Petitioners/Appellants who are remanded to judicial custody after judgment be released on bail pending disposal of the above Crl.A.NO.617 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.617 OF 2019 on the file of the High Court and upon hearing the arguments of M/S. J.FRANKLIN, Advocate for the petitioner and of MR. K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

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

The petitioner has been arrayed as 13th accused in S.C. No.20 of 2017 on the file of the Sessions Judge, Cuddalore and accordingly the trial Court, by judgment, dated 04.01.2019, convicted the petitioner for the offence punishable under Sections 366A, 372, 342 IPC and Section 6 r/w 17 of POCSO Act, 2012 and for the offence punishable under Section 366A IPC, sentenced to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.10,000/- in default to undergo two years simple imprisonment, for the offence punishable under Section 372 IPC, sentenced to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.10,000/- in default to undergo two years simple imprisonment, for the offence punishable under Section 342 IPC, sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- in default to

undergo three months simple imprisonment and for the offence under Section 6 r/w 17 of POCSO Act, sentenced to undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.10,000/- in default to undergo two years simple imprisonment. Seeking suspension of sentence, the present petition has been filed.

2. On a perusal of the judgment rendered by the trial Court, we find that the specific overt act is attributed against the petitioner. The trial court took into consideration the aforesaid aspect. Therefore, we are not inclined to suspend the sentence. In such view of the matter, this miscellaneous petition stands dismissed.

3. We are of the view that it would be appropriate to take up the appeal as it involves the offence committed under the POCSO Act. We are aware of the fact that the Apex Court seized of the matter with respect to fixation of time limit in such cases apart from constituting Special Court. In such view of the matter, Registry is directed to post the appeal for final hearing on 09.12.2019. In the meanwhile, the Registry shall make the papers ready.

-sd/-

30/10/2019

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 JUDGE,
CUDDALORE.

2 THE SESSIONS JUDGE,
CUDDALORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 DEPUTY SUPERINTENDENT OF POLICE,
CBCID, CUDDALORE.

5 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN,
VELLORE.

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6 THE SECTION OFFICER,
CRIMINAL SECTION, HIGH COURT,
MADRAS.

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

Order

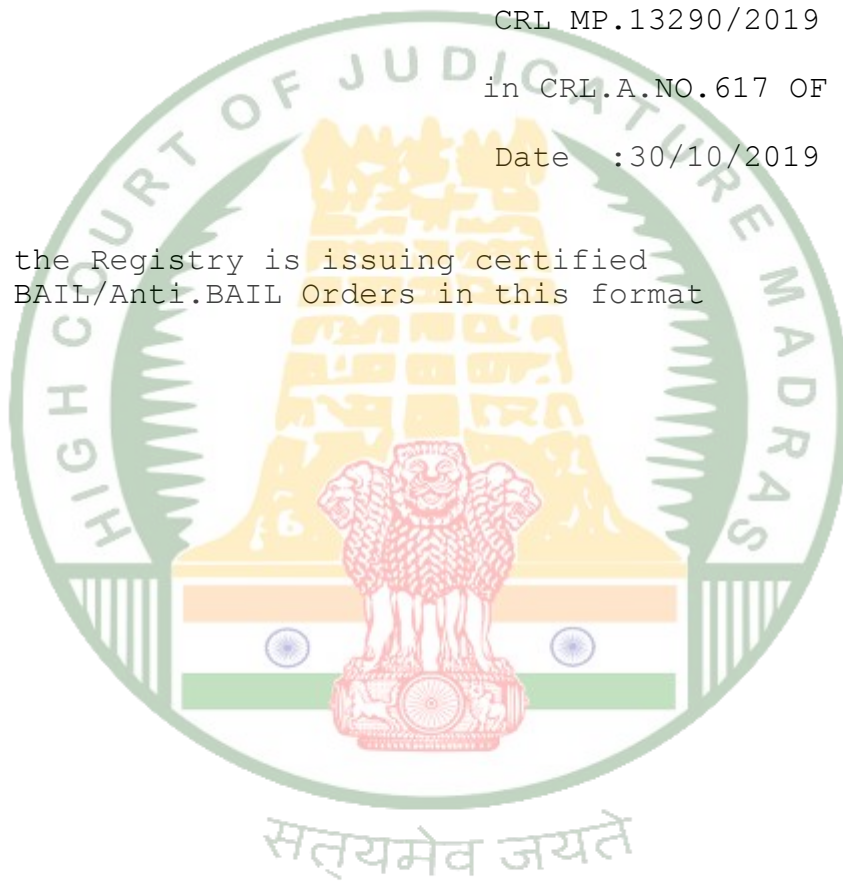
in
CRL MP.13290/2019

in CRL.A.NO.617 OF 2019

Date :30/10/2019

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

RVR 04/11/2019



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