

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.12777 of 2019

IN CRL.A.NO.580 OF 2019

KARTHICK

[PETITIONER]

Vs

STATE REP.BY

[RESPONDENT]

INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DENKANIKOTTAI, KRISHNAGIRI DISTRICT.
CR.NO.6/2018.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Crl.A.NO.580 of 2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed on the petitioners/sole accused to undergo 3 years of rigorous imprisonment in Spl.S.C.No.32 of 2018 dated 06.08.2019 by the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri pending disposal of the above Crl.A.NO.580 of 2019.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.NO.580 of 2019 on the file of the High Court and upon hearing the arguments of M/S.T.SUNDARAVADANAM, Advocate for the petitioner and of MR. M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petition has been filed by the petitioner, to suspend the sentence of imprisonment imposed in the judgment dated 06.08.2019 made in Spl.S.C.No.32/2018 on the file of the learned Sessions Judge, Fast Track Mahila Court, Kirshnagiri, Coimbatore, pending disposal of the appeal.

2 The petitioner/accused was found guilty of the offence punishable under section 7 r/w 8 of the Protection of Children from Sexual Offence Act 2012 and he has been convicted and sentenced as under:

S.N o.	Conviction	Sentence
1.	U/s.7 r/w 8 of the Protection of Children from Sexual Offence Act 2012.	3 years R.I and fine of Rs.1,000/- in default to undergo R.I for 1 month

Aggrieved against the same, the petitioner/accused has preferred this appeal. Pending appeal, the petitioner has filed the present miscellaneous petition seeking suspension of sentence.

3 The case of the prosecution is that the Appellant/accused is the resident of Narpanapatty Village. On 23.03.2018 at about 2.30 pm at the fields of one Sivappa situated in the said village, within the jurisdiction of All Women Police station Denkanikottai limits, when the victim girl was grazing cattles, the accused came there and pulled the hand of the victim girl with sexual intent by telling her that he is loving her for the past three years and wants to marry her and thus committed sexual assault her and thereby the accused committed the offence punishable under section 7 r/w 8 of the Protection of Children from Sexual Offence Act 2012.

4 The learned counsel for the petitioner/accused would submit that there are arguable points available in the appeal and that the petitioner has got a fair chance of succeeding the appeal and would pray that the substantive sentence imposed against the petitioner may be suspended. He would also submit that the fine amount has been paid and the trial Court has also suspended the sentence of imprisonment till 05.09.2019.

5 The learned Additional Public Prosecutor has raised objections for suspending the sentence.

6 Taking into consideration the submissions made by the learned counsels, the substantive sentence of imprisonment alone is suspended.

7 Hence, the substantive sentences of imprisonment imposed on the petitioner/accused by the trial Court alone are hereby suspended till the disposal of the appeal and the petitioner/accused is ordered to be enlarged on bail on his executing a bond for Rs.50,000/- [Rupees Fifty thousand only] with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri, and on further condition that the petitioner/accused shall report before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-

05/09/2019

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, KRISHNAGIRI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DENKANIKOTTAI, KRISHNAGIRI DISTRICT.

C.C. to M/S.T.SUNDARAVADANAM Advocate on payment of necessary
charges SR.18647

Order

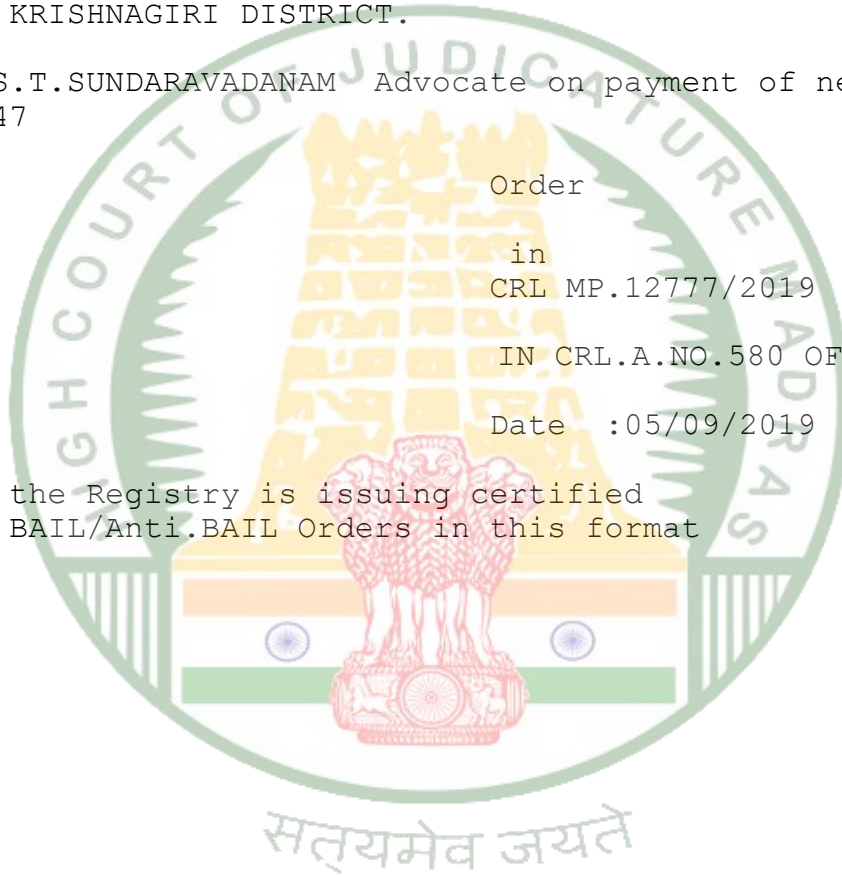
in
CRL MP.12777/2019

IN CRL.A.NO.580 OF 2019

Date :05/09/2019

From 7.2.2001 the Registry is issuing certified
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RVR 05/09/2019



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