

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twentieth day of November Two Thousand Nineteen

PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.13932 of 2019

IN CRL.A.NO.656 OF 2019

RAJENDRAN

[PETITIONER]

Vs

THE STATE REPRESENTED BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PERAMBALUR.
CR.NO.20/2018.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.656/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in Spl.S.C.No.27/2019 dated 12.09.2019 passed by the Sessions Judge, Mahila Neethimantram, Perambalur and enlarge the petitioner on bail pending disposal of the above Appeal. [CRL.MP.NO.13932/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.656/2019 on the file of the High Court and upon hearing the arguments of M/S.M.VELMURUGAN Advocate for the petitioner and of PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

- 1.This Criminal Miscellaneous Petition has been filed by the Petitioner/Accused, seeking suspension of sentence of imprisonment, imposed by the judgment, dated, 12.09.2019, made in Special S.C.No.27 of 2019, by the learned Sessions Judge, Mahila Neethimantram, Perambalur pending disposal of the Criminal Appeal.
- 2.This court heard the learned counsel on either side and also perused the materials placed on record.
- 3.The facts of the case are that the petitioner/accused was charge sheeted for the offence under Section 11(1) read with 12 of the POCSO Act, 2012 for having sexually harassed the thirteen old female child. In and by the impugned judgement, the Petitioner/accused was convicted and sentenced for the offence under Sections 11(1) read with 12 of the POCSO Act, 2012 to undergo three years Rigorous Imprisonment and to pay a fine of Rs.3,000/-.

4.The learned counsel for the petitioner would submit that even as per the evidence, the petitioner has not touched the victim girl and the allegation against the petitioner is that he has told the victim to remove her tops and that petitioner was on bail during the trial and that the trial Court after conviction, has suspended the sentence till 19.11.2019 and he would submit that there are arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the Petitioner/ accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the Petitioner/Accused may be suspended.

5.The respondent had filed a counter.

6.The learned Additional Public Prosecutor has raised objections for suspending the sentence stating that the petitioner has asked the victim girl to remove her dress and that the trial Court had suspended the sentence till 19.11.2019

7. Heard both sides and perused the materials available on records.

8. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment alone is suspended and the Petitioner/ accused is ordered to be enlarged on bail, on the following conditions:-

- i. The Petitioner/ accused shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only), with two sureties, each for a like sum to the satisfaction of the Mahila Neethimantram, Perambalur.
- ii. The Petitioner/accused shall report before the Trial Court on every Monday at 10.30 a.m., if Monday is holiday, the petitioner shall appear on the next working day, until further orders.

-sd/-

20/11/2019

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
MAHILA NEETHIMANTRM PERAMBALUR

2 THE MAHILA
NEETHIMANTRAM, PERAMBALUR

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

4 THE STATE REPRESENTED BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PERAMBALUR.

+1 C.C. to K.DILIPRAJA Advocate on payment of necessary charges
SR.NO. 23876

Order

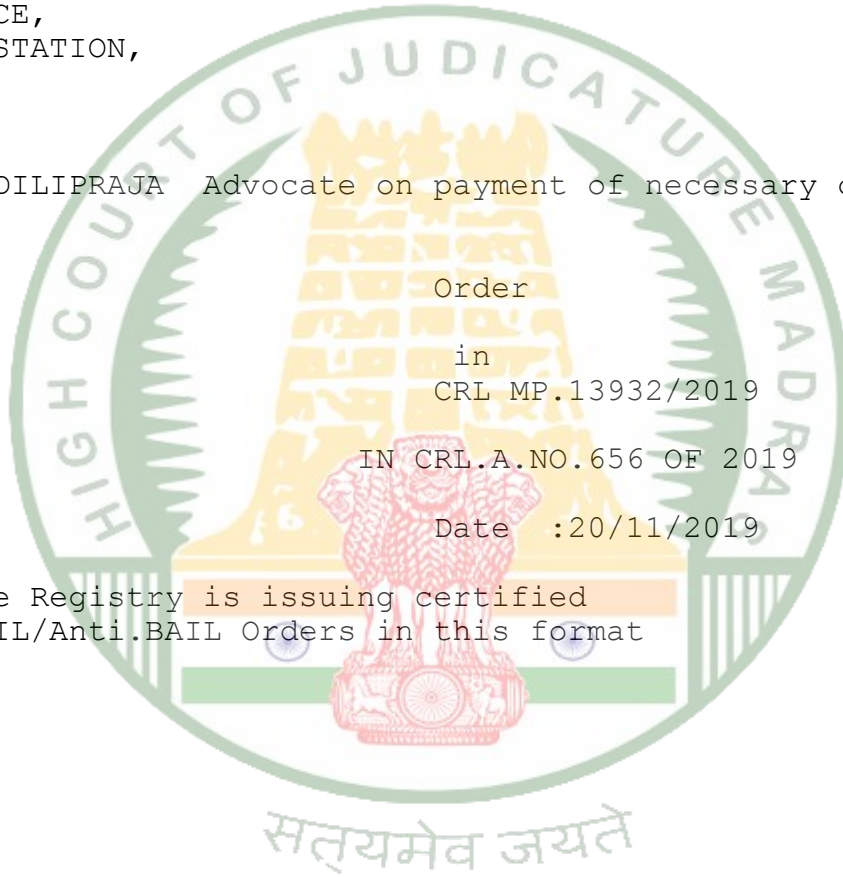
in

CRL MP.13932/2019

IN CRL.A.NO.656 OF 2019

Date :20/11/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 20/11/2019



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