

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Second 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.14898 of 2019

IN CRL.A.NO.370 OF 2019

ANANDRAJ

[PETITIONER]

Vs

THE STATE OF TAMIL NADU REP.
BY, THE INSPECTOR OF POLICE,
SETHIATHOPPU POLICE STATION
CUDDALORE DISTRICT
CR.NO.102 OF 2015.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.370/2019 on the file of the High Court, the High Court will be pleased to suspend the Sentence passed in Spl. Sc. No. 29/2017 dated 05/06/2018 convicting the appellant enlarge on bail by the Learned Mahila Court Cuddalore pending disposal of the above Appeal No.370/2019. [CRL.MP.NO.14898/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.370/2019 on the file of the High Court and upon hearing the arguments of MR.K.BALU, 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 A1 having been convicted for the offence punishable under Section 366 IPC and Section 6 of POCSO Act in S.C.No.29 of 2017 on the file of Sessions Judge, Mahila Court, Cuddalore and for the offence punishable under Section 366 IPC, sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo one year simple imprisonment and for the offence punishable under Section 6 of POCSO Act, sentenced to undergo rigorous imprisonment for a period of 15 years and to pay a fine of Rs.50,000/-, in default, to undergo three years simple imprisonment. Seeking suspension of sentence imposed,

the present petition has been filed.

2. The case of the prosecution is that the petitioner with the connivance of other accused committed the offence by enticing a minor girl and having sexual relationship.

3. The learned counsel appearing for the petitioner would submit that even the victim girl has given the statement of consent. The petitioner has been under incarceration from 05.06.2018 onwards. The trial Court has not considered the evidence of P.W.10. There are sufficient points available in the appeal. Therefore, the sentence imposed will have to be suspended.

4. The learned Additional Public Prosecutor appearing for the State would submit that the statement given by the victim girl is irrelevant. The trial Court considered the other evidence and convicted the petitioner. Thus, the petition will have to be dismissed.

5. Admittedly, the petitioner has been under incarceration from 05.06.2018 onwards. We do find that there are arguable points available in the appeal.

6. Considering the above coupled with the period of incarceration of the petitioner, we are inclined to suspend the sentence. 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 the Judicial Magistrate No.I, Chidambaram and on further condition that the petitioner shall appear before the concerned Court on the first working day of every month at 10.00 a.m., pending appeal.

-sd/-

22/10/2019

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 SESSIONS JUDGE MAHILA COUR
T, CUDDALORE

2 THE JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
NO.1, CHIDAMBARAM

3 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE[FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON,CUDDLORE

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
SETHIATHOPPU POLICE STATION
CUDDALORE DISTRICT

+1 C.C. to M/S.K.BALU Advocate on payment of necessary charges
SR.NO. 21717

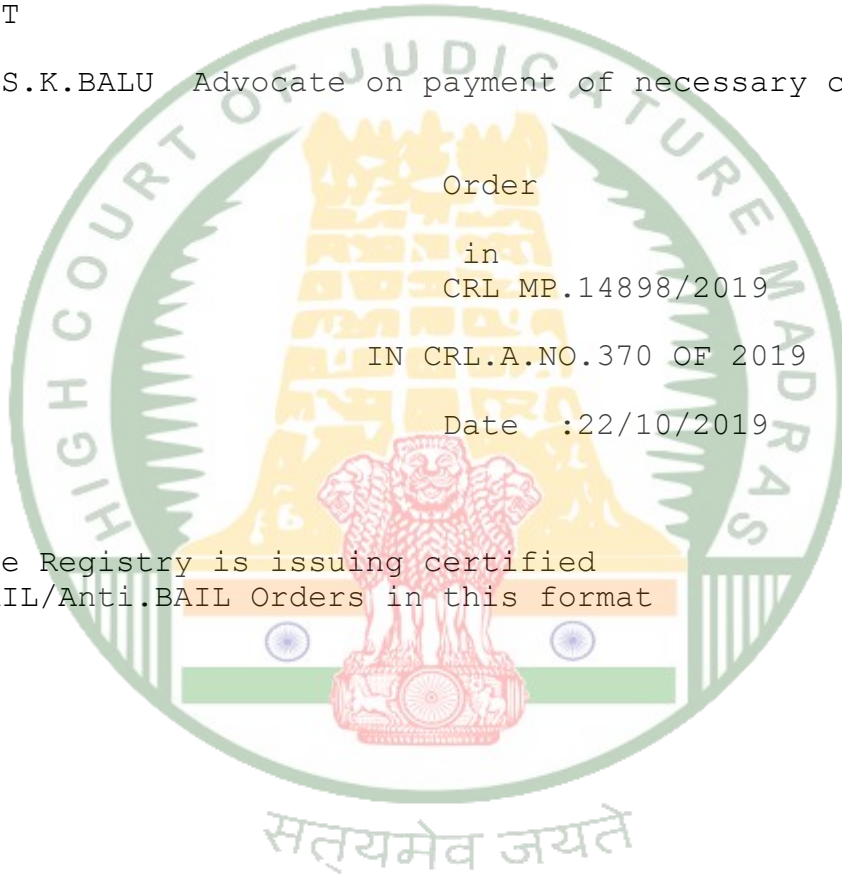
Order

in
CRL MP.14898/2019

IN CRL.A.NO.370 OF 2019

Date :22/10/2019

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RD 23/10/2019



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