

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirteenth day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.16265 of 2019

IN CRL.A.NO.247 OF 2019

SHANKAR

[PETITIONER]

Vs

THE STATE REP BY ITS,
THE DEPUTY INSPECTOR OF POLICE,
KANGEYAM SUB DIVISION,
KANGEYAM
VELLAKOVIL STATION,
CR.NO.725 OF 2015.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.247/2019 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in the Judgment dated 15.04.2019 in Spl.S.C.No.33 of 2018 on the file of the Learned Fast Track Mahila Judge of Tiruppur, and release the petitioner on bail pending Criminal Appeal NO.247/2019.[CRL.MP.NO.16265/2019]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.247/2019 on the file of the High Court and upon hearing the arguments of M/S.B.MOHAN Advocate for the petitioner and of MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

The petitioner faced trial in Spl.S.C.No.33 of 2018 on the file of learned Sessions Judge, Fast Track Mahila Court, Tiruppur. Under judgment dated 15.04.2019, the trial Court found the petitioner guilty under Sections 341, 506(ii) of IPC and Section 7 r/w. 8 of the Protection of Children from Sexual Offences Act, 2012 and convicted and sentenced him to pay a fine of Rs.500/-, in default, to undergo simple imprisonment for six months for the offence under Section 341 of IPC; convicted and sentenced him to undergo rigorous imprisonment for 5 years and to pay a fine of Rs.2,000/-, in default, to undergo rigorous imprisonment for a further period of 1 year for the offence under Section 506(ii) of IPC; and convicted and sentenced to undergo rigorous imprisonment for a period of 5 years and to pay a fine of Rs.5,000/-, in default, to undergo rigorous imprisonment for further period of one year for the offence under Section 7 r/w. 8 of the Protection of Children from Sexual Offences Act, 2012. Aggrieved over the same, the petitioner has filed this Criminal Appeal along with the petition seeking suspension of sentence.

2.It is submitted by the learned counsel for the petitioner/accused that the amount of fine had already been paid, as directed by the trial Court in its judgment. The learned counsel further submitted that there are several infirmities and inconsistencies in the prosecution case and there are also contradictions in material particulars in the evidence of the prosecution. The learned counsel also submitted that there are arguable points available in this Criminal Appeal, which is not likely to be taken up for final hearing in the near future and hence, the substantive sentence imposed against the petitioner may be suspended.

3.Heard learned Additional Public Prosecutor on the submissions made by the learned counsel for petitioner.

4.Considering the facts and circumstances of the case and taking into account the submissions made by the learned counsel on either side, this Court is of the view that the petitioner herein can be granted the relief of suspension of sentence.

5.Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner herein is directed to be enlarged on bail on the following conditions:-

- a) The Petitioner/Accused is directed to execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Fast Track Mahila Court, Tiruppur;
- b) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities;
- c) The Petitioner/ Accused shall appear before the Trial Court on the first working day of every month at 10.30 a.m., until the disposal of the Appeal and if he is not able to appear before the Trial Court on any day, due to unavoidable circumstances, he shall make arrangements to file an application under Section 317 of Cr.PC. and shall appear before the Trial Court on any other day in lieu of his absence, as directed by the Trial Court. Such an application shall not be entertained often.

-sd/-

13/12/2019

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, TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR[FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

4 THE DEPUTY INSPECTOR OF POLICE,
KANGEYAM SUB DIVISION,
KANGEYAM VELLAKOVIL STATION,

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. To M/S.B.MOHAN Advocate on payment of necessary charges
SR.NO. 25766

Order

in
CRL MP.16265/2019

IN CRL.A.NO.247 OF 2019

Date :13/12/2019

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 18/12/2019

सत्यमेव जयते

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