

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Second day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.7796 of 2017

in CRL A.No.346 of 2017

MATHEESWARAN

[PETITIONER / APPELLANT]

Vs

[RESPONDENT]

STATE BY,
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANGAYAM,
TIRUPPUR DISTRICT.
CRIME NO.3 OF 2015

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.No.346 of 2017 on the file of the High Court, the High Court will be pleased to order suspension of sentence filing the appeal against the conviction in Spl.S.C.No.23 of 2015 passed on 23.02.2017 by the Sessions Judge, Mahila Court, Thiruppur rural and enlarge the petitioner on bail pending CRL A.No.346 of 2017

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.No.346 of 2017 on the file of the High Court and upon hearing the arguments of M/S.M.SARAVANAKUMAR Advocate for the petitioner, and of M/S.KRITIKA KAMAL .P Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

This is a petition to suspend the sentence imposed on the petitioner by the learned Sessions Judge (Fast Track Mahila Court), Thiruppur in Spl.S.C. No.23 of 2015 on 23.02.2017 and to enlarge the petitioner on bail.

2. The petitioner, who was an accused in Spl.S.C. No.23 of 2015 before the Sessions Judge (Fast Track Mahila Court), Thiruppur was convicted under Section 5 (k)(l)(n) r/w 6 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to undergo ten years rigorous imprisonment and fine of Rs.5,000/-, in default to undergo six months rigorous imprisonment.

3. It is the case of the prosecution that the accused was about 50 years and it is alleged that he had sexually assaulted the victim girl X, who was 15 years and was mentally challenged.

4. Taking into consideration the facts and circumstances of the case, this is not a fit case, in which, suspension of sentence can be granted. Hence, this criminal miscellaneous petition stands dismissed.

Post the appeal in the usual course.

-sd/-

02/07/2019

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,
THIRUPPUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANGAYAM, TIRUPPUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

C.C. to Advocate on payment of necessary charges

Order
in
CRL MP.7796/2017
in
CRL A.346/2017

Date :02/07/2019

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