

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighteenth day of November 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.17288 of 2018

IN CRL.A.NO.827 OF 2018

S.GOVINDARAJ

[PETITIONER]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VANIYAMBADI, VELLORE DISTRICT.
(CR.NO.3 OF 2017)

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.827/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence of conviction and imprisonment dt 03.08.2018 imposed by the learned Fast Track Mahalir Court (Sessions Court), Vellore, Vellore Dt in **[*]Special.S.C.No.66 of 2017** and enlarge the petitioner on bail pending disposal of the Criminal Appeal.[CRL.MP.NO.17288/2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.827/2018 on the file of the High Court and upon hearing the arguments of M/S.M.PALANIVEL, Advocate for the petitioner and of MR.K.PRABAKAR ADDL. 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 sole accused in **[*]Special.S.C.No.66 of 2017** on the file of the Fast Track Mahalir Court (Sessions Court), Vellore, Vellore District. The trial Court, by judgment dated 03.08.2018 convicted the petitioner for the offence punishable under Sections 366, 506(ii) IPC and Section 5(j) (ii) r/w 6 of POCSO Act, 2012 and for the offence punishable under Section 366 IPC, sentenced to undergo seven years rigorous imprisonment and to pay a fine of Rs.1,000/-, in default, to undergo one month rigorous imprisonment and for the offence punishable under Section 506(ii) IPC, sentenced to undergo one year rigorous imprisonment and for the offence punishable under Section 5(j)(ii) r/w Section 6 of

POCSO Act, sentenced to undergo life imprisonment and to pay a fine of Rs.2,000/- in default, to undergo two months rigorous imprisonment and ordered the sentences to run concurrently. Seeking suspension of sentence imposed, the present petition has been filed.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been under incarceration for more than a year. It is the case of elopement of the petitioner who was 19 years at the relevant point of time along with the victim girl who was 16 years. A child was born out of the relationship. Now, the victim girl along with the child is in the custody of the family of the petitioner. Even on merits, the petitioner has got sufficient grounds to overturn the conviction rendered by the trial Court.

3. The learned Additional Public Prosecutor appearing for the State while acknowledging the factual submission made submitted that as the trial Court rendered the judgment on appreciation of evidence, this petition is liable to be dismissed.

4. The facts are not in dispute as aforesaid. The petitioner is also under the incarceration for more than a year. Considering the above coupled with the period of incarceration of the petitioner, we are inclined to suspend the sentence.

5. 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 Fast Track Mahalir Court (Sessions Court), Vellore and on further condition that the petitioner shall report before the concerned Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

18/11/2019

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.

[*]Amended as per the order of this court dated 02/12/2019 made in CRL.MP.NO.17902 OF 2019 IN CRL.A.NO.827 OF 2018.

BY The Hon`ble Mr Justice R.SUBBIAH

AND

The Hon`ble Mr Justice R.PONGIAPPAN

TO

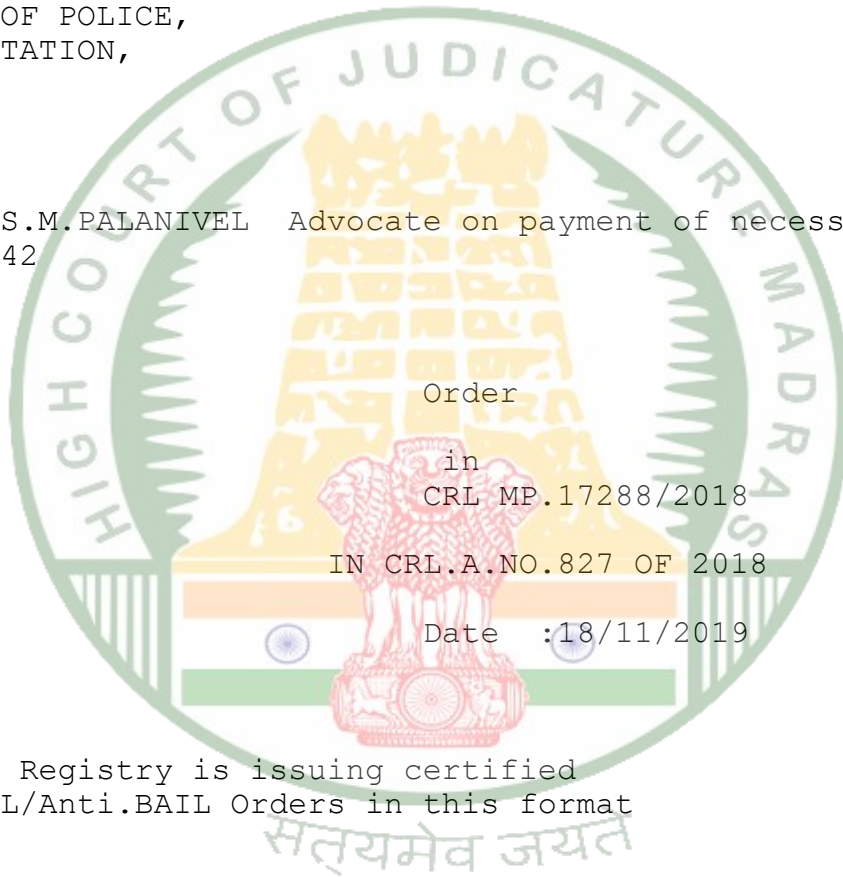
1 THE FAST TRACK MAHALIR COURT
SESSIONS COURT, VELLORE,
VELLORE DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VANIYAMBADI,
VELLORE DISTRICT.

+1 C.C. to M/S.M.PALANIVEL Advocate on payment of necessary
charges SR.NO. 24842



From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format
RD 19/11/2019
RD 04/12/2019

WEB COPY