

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Seventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.17448 of 2018

IN CRL A.839/2018

VEERAMANI

[PETITIONER / APPELLANT / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
TIRUCHENGODE RURAL POLICE STATION,
NAMAKKAL DISTRICT.
CR.NO.163 OF 2016

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.839/2018 on the file of the High Court, the High Court will be pleased to enlarge the petitioner on bail and thereby suspend the sentence imposed in Judgment dated 03.12.2018 in Spl.C.C.No.18 of 2016 on the file of the Sessions (Fast Track Mahila Court), Namakkal pending disposal of the above CRL A.839/2018 [IN CRL.MP.NO.17448 OF 2018]

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.839/2018 on the file of the High Court and upon hearing the arguments of M/S.K.THENRAJAN, Advocate for the petitioner and of MRS.V.SARATHADEVI Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

The petitioner/appellant is the sole accused in Spl.C.C.No.18 of 2016, on the file of the Sessions (Fast Track Mahila) Court, Namakkal. By judgment dated 03.12.2018, the trial Court has convicted the petitioner/appellant for offences under Sections 366 (A) of the Indian Penal Code, Section 9 of PCM Act and Section 5(1) read with Section 6 of Protection of Children from Sexual Offences Act, 2012 ('POCSO Act' for brevity). The maximum punishment imposed on the petitioner is 10 years Rigorous Imprisonment under the POCSO Act, with usual default clause. Hence, the petitioner seeks suspension of sentence.

2.The learned counsel for the petitioner/appellant pointed out that there are certain holes in the prosecution case while convicting the accused under the provisions of the POCSO Act and the petitioner/appellant was sentenced to undergo Rigorous Imprisonment for ten years. He would further submit that the petitioner is languishing in jail for no fault on his side. The learned counsel

for the petitioner would also point out certain infirmities and lacunae in the case of the prosecution. He would further submit that there was enmity between the petitioner family and the family of the victim girl and the same resulted in the lodging of false complaint against the petitioner. The petitioner has not committed any offence, as projected by the prosecution, is the contention raised by the learned counsel. There are material contradictions in the prosecution case and there are arguable points involved in the appeal. Therefore, the learned counsel prays for suspending the sentence.

3. In view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by learned counsel for the petitioner, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

4. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that he shall execute 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 learned Fast Track Mahila Court, Namakkal, and on further condition that the petitioner shall report before the trial Court daily at 10.30 a.m., pending disposal of the appeal.

-sd/-

07/01/2019

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.

सत्यमेव जयते

TO

1 THE SESSIONS (FAST TRACK
MAHILA) COURT, NAMAKKAL.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUCHENGODE RURAL POLICE STATION,
NAMAKKAL DISTRICT.

C.C. to M/S.K.THENRAJAN Advocate on payment of necessary
charges

Order

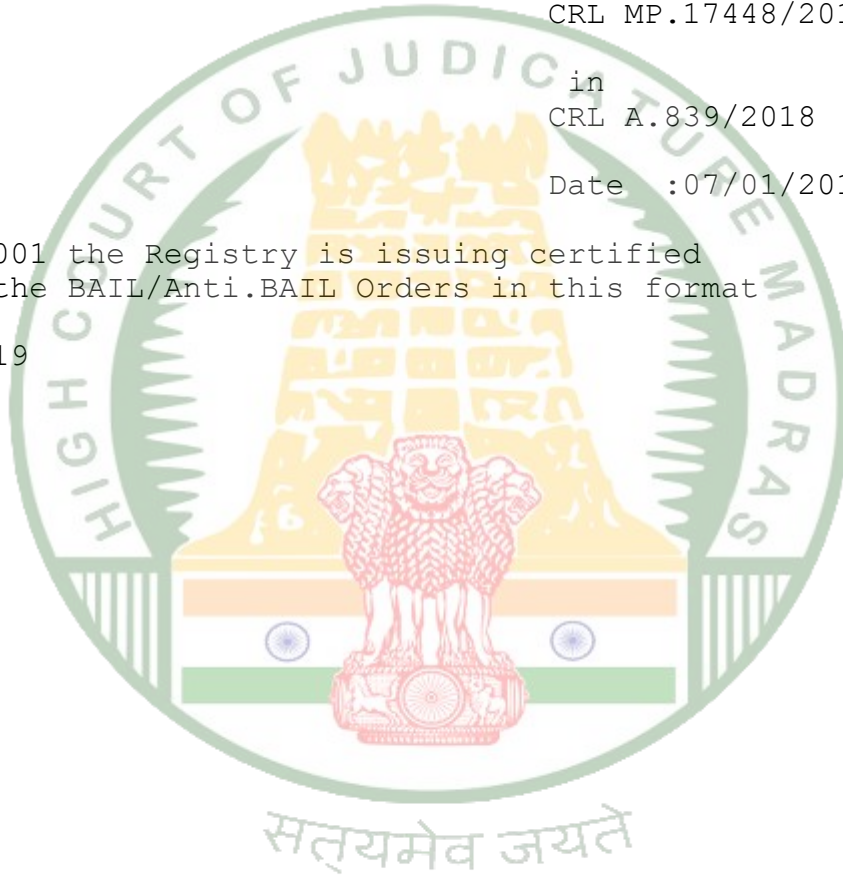
in
CRL MP.17448/2018

in
CRL A.839/2018

Date :07/01/2019

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

MK:07/01/2019



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