



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Ninth day of April Two Thousand Nineteen
PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

WEB COPY

CRL MP(MD) No.2143 of 2019

IN

CRL A(MD) No.22 of 2018

ANANDAKANNAN

... PETITIONER/ APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TIRUCHENDUR,
THOOTHUKUDI DISTRICT.
(CRIME NO.3/2016)

... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of imprisonment imposed by the Learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi, Thoothukudi District by the Judgement in Spl.S.C.No.31 of 2016 dated 25.09.2017 and enlarge appellant on bail pending disposal of the above Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.S.R.ANBARASU, Advocate for the petitioner and of Mr.A.ROBINSON, Government Advocate(Crl.Side) on behalf of the Respondent, the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court) for the alleged offences under Sections 9 (m) r/w 10 of Protection of Children from Sexual Offences Act, 2012 and sentenced to under go rigorous imprisonment for a period of five years and to pay a fine of Rs.1,000/- in default to undergo simple imprisonment for a further period of three months in S.C.No.31 of 2016, on the file of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court).

2.It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

3.It is submitted by the learned Government Advocate (criminal side) that there are enough materials available on record against



the petitioner as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and prays for dismissal of this petition.

4. This Court has carefully considered the rival contentions put forward by their side and also perused the materials available on record.

5. The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

6. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner is directed to be enlarged on bail on condition that the petitioner executing 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 learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi, Thoothukudi District, and on further condition that the petitioner shall appear before the said Court daily twice at 10.30 a.m & 5.30 p.m pending appeal except Government Holidays.

sd/-

09/04/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM (FAST TRACK MAHILA COURT),
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
2. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
TIRUCHENDUR, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to Mr.S.R.ANBARASU Advocate SR.No.6453

ORDER IN

CRL MP(MD) No.2143 of 2019 IN
CRL A(MD) No.22 of 2018

Date : 09/04/2019