



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

Friday, the Fifth day of July Two Thousand Nineteen

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PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP (MD) No.3197 of 2019

IN

CRL A (MD) No.224 of 2017

JAFFER ALI,

... PETITIONER/APPELLANT

Vs

THE INSPECTOR OF POLICE
JEEYAPURAM POLICE STATION,
TRICHY DISTRICT.
(CR.NO.31/2013)

... RESPONDENT/RESPONDENT

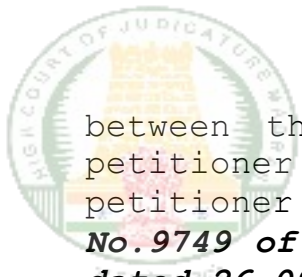
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentences passed in Spl.S.C.No.01/2013 dated 19.02.2014 on the file of the learned 2nd Additional District and Sessions Judge (F.A.C) Mahila Court, Tiruchirappalli pending disposal of the above said Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.K.M.KARUNAKARAN, Advocate for the petitioner and of MR.A.P.G.OHM CHAIRMA PRABHU, Government Advocate(Crl. side) on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner by the learned II Additional District and Sessions Judge, (FAC), Mahila Court, Trichirappalli dated 19.02.2014 and enlarge the petitioner on bail pending disposal of the criminal appeal.

2.The learned counsel for the petitioner submitted that petitioner was convicted by the II Additional District and Sessions Judge (FAC), Mahila Court, Tiruchirappalli and sentenced him to undergo 10 years RI for the offence under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and to pay fine of Rs.5,000/-, in default to undergo SI for 3 three months.

3.It is further 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 and that the petitioner is in jail since 19.02.2014. The learned counsel for the petitioner also submitted the order of this court made in **Cr1.MP (MD) No.9749 of 2017 in Cr1.A(MD)No.424 of 2017 (Vellaichamy Vs. State), dated 26.09.2018**, in support of his contention.

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4.It is submitted by the learned Government Advocate (Criminal side) appearing for the respondent/State 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.

5.This court has carefully considered the rival contentions put forth on either side and also perused the materials available on record.

6.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 and the petitioner is in jail for more than 4 years 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.

7.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 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 II Additional District and Sessions Court (FAC), Mahila Court, Tiruchirappalli and on further condition that the petitioner shall appear before the said court daily at 10.00 am and 5.00 pm until further orders.

sd/-
05/07/2019

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

TO

1 THE II ADDITIONAL DISTRICT AND
SESSIONS COURT (FAC), MAHILA COURT,
TIRUCHIRAPPALLI.



2 THE INSPECTOR OF POLICE,
JEEYAPURAM POLICE STATION,
TRICHY DISTRICT.

3 THE SUPERINTENDENT.
CENTRAL PRISON, TRICHY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-11168[I] dated
05/07/2019)

ORDER
IN
CRL MP (MD) No.3197 of 2019
IN
CRL A (MD) No.224 of 2017
Date :05/07/2019

AE/JC/SAR-II (09.07.2019) 3P 6C