

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

Thursday, the Sixteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.4574 of 2019

IN

CRL A(MD) No.229 of 2019

AJITHKUMAR

... PETITIONER/APPELLANT

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TRICHY, CRIME NO.17/2018

... 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 imposed on the petitioners by the Learned Mahila Court, Trichy in Spl.S.C.No.60/2018 dated 24/04/2019 and enlarge the petitioner 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 M/S.K.VINAYAGAN, Advocate for the petitioner and of MR.K.K.RAMAKRISHNAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The present appeal is arising out of the conviction and sentence imposed against this petitioner in Spl.C.C.No.60 of 2018 by the Mahila Court, Trichirapalli, wherein this petitioner was found guilty for the offences punishable under Sections 354(1) IPC and Section 12 of Protection of Child from Sexual Offences Act, 2012 and has been convicted and sentenced as detailed below :

Penal Provision(s) under which convicted	Sentence
Section 354(1) IPC	To undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo one year rigorous imprisonment

Penal Provision(s) under which convicted	Sentence
Section 12 of Protection of Child from Sexual Offences Act, 2012	To undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/- in default to undergo one year rigorous imprisonment

2. According to the learned counsel for the petitioner, the main witness namely Viswanathan, who is the brother of the victim girl has not been examined and the cell phone of the victim girl has not been recovered and no steps have been taken by the prosecution to ascertain the friendship between the petitioner and the victim girl and the Nodal Officer has also not been examined.

3. Apart from these grounds, this petitioner has also made out certain other grounds in the appeal. Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future, I am of the considered opinion that the petitioner is entitled for the relief 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 the petitioner 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 Sessions Judge, Mahila Court, Trichi, and on further condition that

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(ii) the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-
16/05/2019

/ TRUE COPY /

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

TO

1.THE SESSIONS JUDGE, MAHILA COURT, TRICHY

2.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TRICHY,

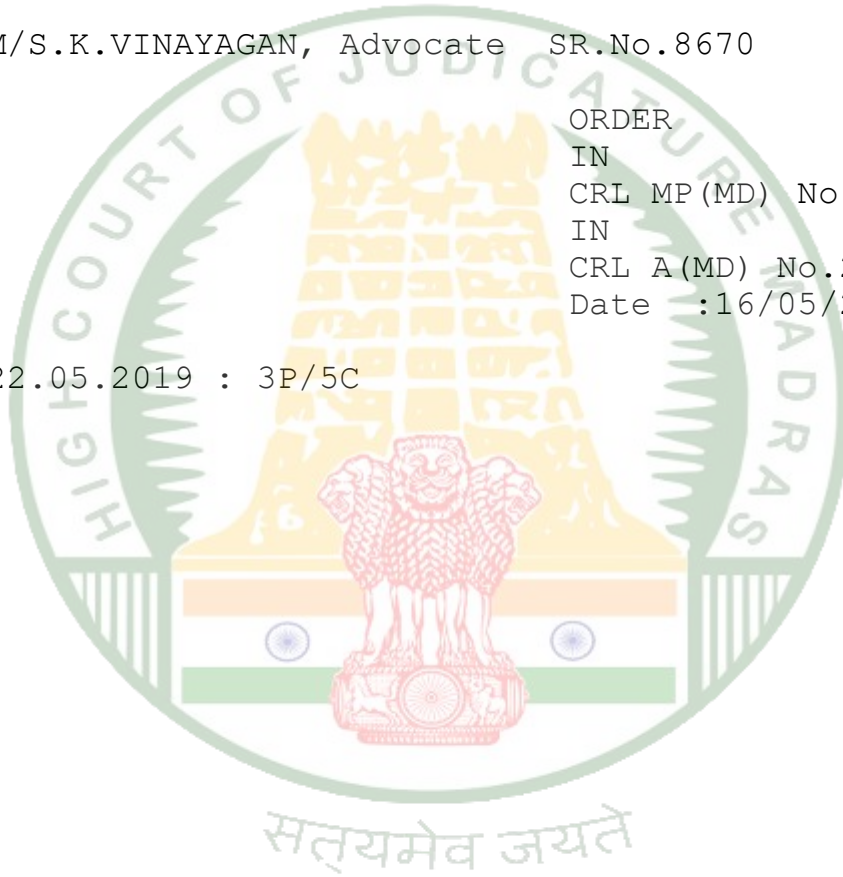
3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.K.VINAYAGAN, Advocate SR.No.8670

ORDER
IN
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IN
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Date :16/05/2019

MYR

PK/JC/SAR-3/22.05.2019 : 3P/5C



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