



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

Saturday, the Nineteenth day of October Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.2682 of 2019
IN
CRL A(MD) No.117 of 2019

THANGAMARIAPPAN

... APPELLANT/SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
VILATHIKULAM POLICE STATION,
TUTICORIN DISTRICT.

... RESPONDENT/COMPLAINANT

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 the petitioner/appellant passed in the judgment in Spl.S.C.No.19 of 2016 dated 03.12.2018 on the file of the Fast Track Mahila Judge, Tuticorin.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.KA.RAAMAKRISHINAN, Advocate for the petitioner and of MR.A.ROBINSON, Government Advocate (Crl. Side) on behalf of the Respondent, While admitting the CRL.A., the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the trial Court, for the alleged offence under Section 11(i) r/w 12 of the Protection of Children from Sexual Offences Act, 2012, and sentenced to undergo simple imprisonment for a period of one year and fine of Rs.1,000/-, in default to undergo simple imprisonment for a period of three months in Spl.S.C.No.19 of 2016 on the file of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi.

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 (Crl.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 he strongly opposed to grant suspension of sentence.

4.This Court has carefully considered the rival contentions put forward by either 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, the suspension of sentence 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 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, Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi, and on further condition that the petitioner shall appear before the said Court daily twice i.e. at 10.30 a.m and 5.00 p.m pending appeal.

sd/-
19/10/2019

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

TO

- 1 THE JUDGE,
FAST TRACK MAHILA COURT, TUTICORIN.
- 2 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM
(FAST TRACK MAHILA COURT), THOOTHUKUDI.
- 3 THE INSPECTOR OF POLICE,
VILATHIKULAM POLICE STATION,
TUTICORIN DISTRICT.



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

+1. C.C. to M/S.KA.RAAMAKRISHINAN Advocate SR.No. 17779

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ORDER
IN
CRL MP (MD) No.2682 of 2019
IN
CRL A (MD) No.117 of 2019
Date :19/10/2019

JM/19.10.2019/3P/6C