



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

Thursday, the Twenty Fifth day of July Two Thousand Nineteen

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PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.3194 of 2019

IN

CRL A(MD) No.460 of 2017

MANIMARAN

... PETITIONER/APPELLANT

Vs

THE INSPECTOR OF POLICE,
KARUR ALL WOMEN POLICE STATION,
KARUR DISTRICT
CRIME NO.14/2015

... 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 S.C.No.58/2016 dated 14.12.2016 on the file of the learned Sessions Judge, (Fast Track Mahila Court) Karur pending disposal of the above said Crl.A.

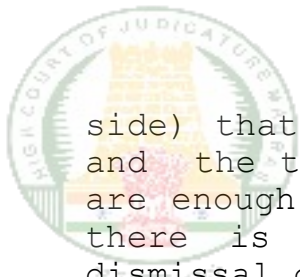
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.K.M.KARUNAKARAN, Advocate for the petitioner and of MR.ANANDHARAJ, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The learned counsel for the petitioner/sole accused submitted that the petitioner has been convicted by the learned Sessions Judge, (Fast Track Mahila Court), Karur for the alleged offence under Section 450 IPC and sentenced him to undergo rigorous imprisonment for a period of 7 years and to pay a fine of Rs.1,000/-, in default to undergo Simple Imprisonment for a further period of one month and also sentenced him to undergo 10 years RI and to pay a fine of Rs.1,000/-, in default to undergo one month SI for the offence under Section 5(m) r/w 6 of POCSO Act.

2.The learned counsel appearing for the petitioner submitted that there are several infirmities in the prosecution case and there are contradictions in material particulars between the evidence of the prosecution witnesses and the petitioner is in jail since 14.12.2016. The learned counsel for the petitioner relied upon the order of this court made in **Crl.MP(MD)No.9749 of 2017 in Crl.A(MD) No.424 of 2017 (Vellaichamy Vs. State), dated 26.09.2018**, in support of his contention.

<https://hcservices.ecourts.gov.in/hcservices/>

3.It is submitted by the learned Government Advocate (Criminal



side) that the petitioner had sexually assaulted the 4 years child and the trial court has rightly convicted the petitioner and there are enough materials available on record against the petitioner and there is no infirmity in the prosecution case and prays for dismissal of this petition.

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

5.Considering the facts and circumstances of the case and the submission of both sides and considering the fact that there are arguable points involved in this appeal and the petitioner is in jail since 14.12.2016 and he has to take care of his family and also in similar circumstances, this court has passed an order in CrI.MP(MD)No.9749 of 2017 in CrI.A(MD)No.424 of 2017, dated 26.09.2018, this court deem it appropriate to suspend the substantive portion of sentence imposed on the petitioner.

6.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and he 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 Sessions Judge (Fast Track Mahila Court), Karur and on further condition that the petitioner shall appear before the said court daily twice I.e., at 10.30 am and 4.00 pm pending appeal.

sd/-
25/07/2019

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

TO

1.THE SESSIONS JUDGE, FAST TRACK MAHILA COURT, KARUR

2.THE INSPECTOR OF POLICE

KARUR ALL WOMEN POLICE STATION, KARUR DISTRICT

3.THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

4.THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.K.M.KARUNAKARAN Advocate SR.No.12244

ORDER IN
CRL MP(MD) No.3194 of 2019 IN
CRL A(MD) No.460 of 2017
Date :25/07/2019