

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of August Two Thousand Nineteen

PRESENT

The Hon'ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.3758 of 2019

IN

CRL A(MD) No.175 of 2019

SATHEESH

... PETITIONER/APPELLANT/SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ARUKANI POLICE STATION,
KANYAKUMARI DISTRICT
(IN CRIME NO.23/2014)

... RESPONDENT/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 imposed in Judgement dated 20/12/2018 made in Special S.C.No.1/2014 on the file of the Sessions Fast Track Mahila Court, Kanyakumari District at Nagercoil and enlarge the Appellant on bail and to pass such further or other orders as this Honourable Court.

PRAYER IN CRL A(MD) No.175 of 2019:

Pleased to call for the Judgment dated 20.12.2018 made in Special S.C.No.1 of 2014 on the file of the Sessions Fast Track Mahila Court, Kanyakumari District at Nagercoil and set aside the same.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.KARTHICK SUBRAMANIAN, Advocate for the petitioner and of Mr.R.Anandharaj, Additional Public Prosecutor, for the respondent, the court made the following order:-

The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned trial Judge for the offences under Section 3(c) punishable under Section 4 of POCSO Act sentenced to undergo rigorous imprisonment for a period of seven years and to pay a fine of Rs.25,000/- in default to undergo rigorous imprisonment for a further period of six months in Special S.C.No.1 of 2014, on the file of the learned Sessions Fast Track Mahila Court, Kanniyakumari District at Nagercoil.

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 Additional Public Prosecutor 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 on 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 Sessions Fast Track Mahila Court, Kanniyakumari District at Nagercoil and on further condition that the petitioner shall appear before the said Court daily twice i.e., morning at 10.30 a.m., and evening 05.00 p.m., pending appeal.

sd/-

28/08/2019

/ TRUE COPY /

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

TO

1.THE JUDGE,
SESSIONS FAST TRACK MAHILA COURT,
KANNIYAKUMARI DISTRICT AT NAGERCOIL

2.THE INSPECTOR OF POLICE
ARUKANI POLICE STATION, KANYAKUMARI DISTRICT

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

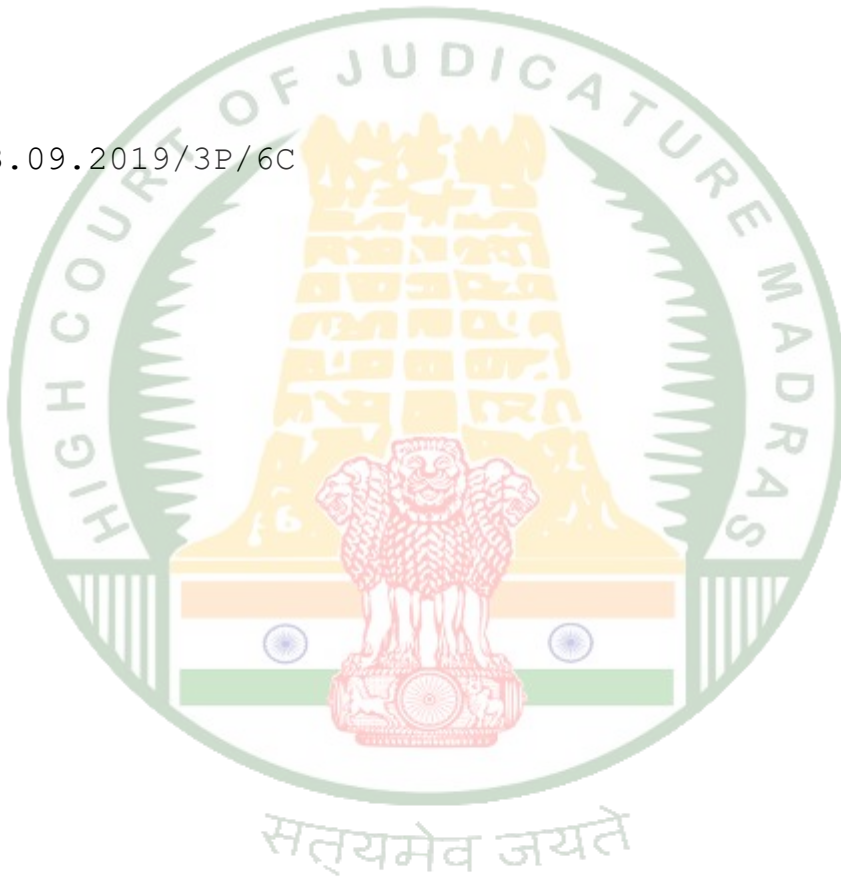
3.THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

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

+1CC to MR.S.KARTHICK SUBRAMANIAN,Advocate
(SR-14179[I]dated 28/08/2019)

ORDER
IN
CRL MP (MD) No.3758 of 2019
IN
CRL A (MD) No.175 of 2019
Date :28/08/2019

GNS
ES/PN/SAR1/03.09.2019/3P/6C



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