



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

Monday, the Fifth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.6296 of 2019

IN

CRL A(MD) No.269 of 2018

KARTHIK

NOW HE IS IN CENTRAL PRISON,
TRICHY AND HIS C.P.NO.22358

... PETITIONER/APPELLANT

Vs

STATE REP BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KULITHALAI,
KARUR DISTRICT, (CRIME NO.4 OF 2016)

... 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 by the Judgement dated 17/11/2017 passed in Spl.S.C.No.3/2017 on the file of the Learned Special Additional Sessions Judge, Karur and enlarge the petitioner on bail pending disposal of the Crl.A.269/2018

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of E. SOMASUNDARAM, Advocate for the petitioner and of MR.R.ANANDHA RAJ, ADDITIONAL PUBLIC PLEADER on behalf of the Respondent the court made the following order:-

This Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner by the Additional Sessions Judge, Karur, in Special S.C.No.3 of 2017, dated 17.11.2017 pending disposal of the criminal appeal.

2.The learned counsel for the petitioner submitted that petitioner was convicted by the trial court and he was directed to undergo Rigorous Imprisonment for 10 years and to pay a fine of Rs.1,000/-, in default to undergo 3 months of SI for the offence under Section 366-A IPC and sentenced him to undergo one year RI for the offence under Section 506(i) IPC and 10 years RI for the offence under Section 5(i) r/w (6) of POCSO Act along with



Rs.1,000/-, in default to undergo 3 months SI for the said offence. The sentences are directed to run concurrently.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner is in jail since 17.11.2017.

4.The learned Additional Public Prosecutor appearing for the respondent submitted 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.Heard both sides 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 the petitioner is in jail since 17.11.2017 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 Judicial Magistrate No.1, Kulithalai and on further condition that the petitioner shall appear before the said court daily twice I.e., daily at 10.30 am and 05.00 pm, pending appeal.

sd/-
05/08/2019

/ TRUE COPY /

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



TO

1 THE SPECIAL ADDITIONAL SESSIONS JUDGE,
KARUR DISTRICT

2 THE JUDICIAL MAGISTRATE NO.I
KULITHALAI

3 THE CHEIF JUDICIAL MAGISTRATE
KARUR DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

5 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KULITHALAI,
KARUR DISTRICT,

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

+1. C.C. to E. SOMASUNDARAM Advocate SR.No.12880

ORDER

IN

CRL MP(MD) No.6296 of 2019

IN

CRL A(MD) No.269 of 2018

Date :05/08/2019

KM/VR/SAR-II (14.08.2019) 3P 8C