

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Eighth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R. MAHADEVAN

CRIMINAL MISCELLANEOUS PETITION No.888 of 2020

IN CRL.A.No.418 of 2019

K.PACKRISAMY @ RAVI

[PETITIONER]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUNALLAR POLICE STATION,
KARAIKAL.
CR.NO.118 OF 2017.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To suspend the sentence imposed on the Petitioner by the Hon'ble Special Judge at Karaikal by judgement dated 27.06.2019 in Special S.C.No.1/2018 enlarge him bail pending Crl.A.No.418/2019.

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

The petitioner faced trial in Spl. S.C.No.01 of 2018 on the file of learned Sessions Judge, Karaikal. Under judgment dated 27.06.2019, the trial Court found the petitioner guilty under Section 6 of the POCSO Act, 2012 and Section 506 (ii) IPC and sentenced him to undergo Rigorous imprisonment for a period of ten years and to pay a fine of Rs.2,000/-, in default, to undergo simple imprisonment for a further period of six months for the offence under Section 6 of the POCSO Act and also sentenced to undergo Rigorous Imprisonment for a period of six months for the offence under Section 506 (ii) IPC. Aggrieved over the same, the petitioner has filed the Criminal Appeal along with this petition seeking suspension of sentence.

2. The learned counsel for the petitioner / accused submitted that the amount of fine, as directed by the trial Court in its judgment, had been paid. He further submitted that, as directed by this Court on 19.02.2020, a sum of Rs.2,00,000/- has been deposited by the petitioner before the trial court, on 25.02.2020. He also produced a receipt before this Court to that effect. He further submitted that there are several infirmities and inconsistencies in the prosecution case and there are also contradictions in material particulars in the evidence of the prosecution. He also submitted that there are arguable points available in this Criminal Appeal, which is not likely to be taken up for final hearing in the near future and hence, the substantive sentence imposed against the petitioner may be suspended.

3. Heard learned Additional Public Prosecutor on the submissions made by the learned counsel for petitioner.

4. Considering the facts and circumstances of the case and taking into account the submissions made by the learned counsel on either side, this Court is of the view that the petitioner herein can be granted the relief of suspension of sentence. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner herein is directed to be enlarged on bail on the following conditions:-

- a) The Trial Court shall redeposit the amount of Rs.2,00,000/- deposited by the petitioner on 25.02.2020 in a Fixed Deposit Account, in any one of the Nationalized Banks, renewable thereafter periodically. The disbursement of this amount shall be decided at the culmination of the Appeal.
- b) Thereafter, the Petitioner/Accused is ordered to be released on bail, on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Karaikal;
- c) The Petitioner/Accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the learned Judge may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities; and

The Petitioner/ Accused shall appear before the Trial Court on the first working day of every month at 10.30 a.m., until the disposal of the Appeal and if he is not able to appear before the Trial Court on any day, due to unavoidable circumstances, he shall make arrangements to file an application under Section 317 of Cr.PC. and shall appear before the Trial Court on any other day in lieu of his absence, as directed by the Trial Court. Such an application

shall not be entertained often.

-sd/-
28/02/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL JUDGE
KARAIKAL.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PONDICHERRY.

3 THE PUBLIC PROSECUTOR
PONDICHERRY.

4 THE INSPECTOR OF POLICE,
THIRUNALLAR POLICE STATION,
KARAIKAL.

+1 C.C. to M/S.R.VIVEKANANTHAN Advocate on payment of necessary
charges SR.NO.4125

Order

in
CRL MP.888/2020

in
CRL.A.No.418/2019

Date :28/02/2020

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TA-02/03/2020